

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA

PASSED AT THE
ORGANIZATIONAL SESSION 1959
FIRST SPECIAL SESSION 1959
SECOND SPECIAL SESSION 1959
REGULAR SESSION 1959
IN TWO VOLUMES

VOL. I



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

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ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

ORGANIZATIONAL SESSION OF 1959

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY

COMMENCING TUESDAY, JANUARY 13, 1959



WITH AN INDEX PREPARED BY THE

LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1959 Organizational Session of the Legislature of Alabama and is the official publication of such acts.

Bettye Frink,
Secretary of State.

MESSAGE TO THE LEGISLATURE**BY****GOVERNOR JAMES E. FOLSOM****JANUARY 13, 1959**

I come before you today with humbleness, with a sense of pride for the accomplishments of my administration, with a feeling of gratitude toward a helpful and far-seeing legislature, and with thankfulness to God:

My purpose here is to report to you and the people of Alabama what we have done and tried to do, these past four years of my stewardship.

I promised the people of our State that I would work toward several objectives which I considered necessary to our continued progress. I am proud to report that for the most part my campaign pledges have been accomplished.

More paved roads have been built than during any similar time in history.

School teachers received more dollars and a greater percentage salary increase than any similar time in history.

More of our old folks received more money than in any similar time in history.

We have witnessed a period of industrial growth unparalleled in history.

More progress has been made during the past four years toward development of our inland waterways system than any similar time in history.

These and other activities I have detailed in my report.

In most cases the statistics in my report are based upon the four fiscal years of my administration from October 1, 1954, to October 1, 1958.

PENSIONS AND SECURITY

When I took office in January, 1955, there were 63,309 old people receiving an average payment of \$30.29. This amount was too low and I promised the old people time and time again that I would increase payments to \$50.00 a month.

On March 4, 1955, I called a special session of the Legislature to increase old age pensions and repeal the Relative Responsibility Act. That the members of the Legislature saw fit to do.

I recommended a package program to the Legislature which, if passed, would have provided enough money to pay the State's share of the \$50.00 pension cost. The Legislature passed a part, but not all, of the program. In November, 1958, there were 102,317 old folks getting their monthly pension check. I am glad to report that the old folks were finally able to get an average of \$50.00 pension this month. So, in four years, the amount of the average check was increased by \$20.00 while the number of old folks receiving pensions increased over 90%.

These old folks deserve every penny we've been able to pay them.

The pensions and security program benefits the entire state. It benefits tens of thousands of individuals, and their families; it benefits every community where checks are spent in trade channels.

During 1958, over \$14 million dollars was paid to an average of 38,000 people who make up our blind, our handicapped, and our dependent children.

HIGHWAYS

Every time I have ever run for office I have talked to the people about roads, particularly mail-box or farm-to-market roads. There is always a great need for these.

In 1956 and 1958 Federal Aid Highway Acts allocated the largest amount of highway money ever appropriated to the various states for construction. The people of Alabama voted a \$50 million dollar bond issue in 1955, to match other revenues available for highways.

During my administration more than 6,885 miles of road have been paved. This is 2,684 miles or almost 64% more than in any other like period in the history of the State Highway Department.

During this period 30.8 miles of bridges were constructed.

Total disbursements of the Highway Department for this period have been more than \$318 million dollars, of which more than \$245 million was spent on construction. This, too, is a larger expenditure for highway construction purposes than any other like period in the history of the State Highway Department.

More than 1,100 contracts were awarded for the construction of these projects.

In our haste to build new highways and in our zeal to build safety into these highways, we have not forgotten to secure the State's investment in highways by adequate maintenance. We have spent over \$34 million dollars for maintenance purposes.

Alabama needs no apology for her roads. From the Tennessee line to the Gulf, our road system will compare with any state in the nation.

STATE PLANNING AND INDUSTRIAL DEVELOPMENT BOARD

In 1955, the State Planning and Industrial Development Board was created to modernize the scope of the old Planning Commission. Its purpose is to assist communities within the State to obtain new industries and to expand existing industries.

The past four years have been a period of industrial growth unparalleled in the history of the State. Over \$700 million dollars was invested in new and expanded industry, creating nearly 40,000 new jobs in Alabama. This was indeed an Industrial Revolution.

Brochures were prepared for 54 counties with their cooperation and assistance. These brochures include all pertinent facts about that particular county, stressing its high-lights for industry. A total of 67 cities and towns are now participating in a program established by the Board to aid them in planning and preparing for industrial growth.

THE ALABAMA RIVER DEVELOPMENT AUTHORITY

The Alabama River Development Authority was established by the Legislature in 1957 to promote the improvement of Alabama's rivers for navigation and other benefits. It assisted the various river basin associations of the State in preparing and presenting their appeals for federal appropriations for navigation and flood control works on the various rivers. These efforts resulted in federal appropriation during 1958 of more than \$30 million dollars for Alabama river projects.

I am particularly proud of the Tennessee-Tombigbee waterway Authority established under a compact between Alabama and Mississippi.

The State of Tennessee is expected to join this compact this summer. Some day the canal will be built linking the Tennessee with the Tombigbee. When this is done, it will bring great progress to the river basins up the western boundaries of Alabama. The late General Louis Pick is the man who saw this great opportunity. We owe him whatever progress that might come from these efforts.

The State Geologist has furnished constant assistance to established industries and to prospective ones. Among other accomplishments, dolomite was located near Montevallo for a new magnesium plant at Selma. The efforts of this Department have

proved invaluable in attracting and assisting industry in Alabama.

EDUCATION

The past four years have seen more first-time accomplishments in education for Alabama than any other period. When you consider the deep unrest and emotional strains resulting from the Federal Government's forced integration policy, these accomplishments are even more noteworthy.

The total public school enrollment has increased more than 54 thousand and will reach 780,000 this year. To serve this increased enrollment more than 2500 new teachers have been hired, bringing the total number of teachers in public schools to 25,321.

I promised our teachers in 1954 that I would work for higher pay for them. No group of people are more needed for Alabama's progress than are teachers, and no group is less favorably rewarded for their contributions to our future.

The average annual salary of teachers in Alabama has been increased \$643.00. Still, teachers are by no means getting rich; they are still grossly underpaid. I am proud, however, that this administration has been able to give them the greatest average salary increase in the history of Alabama.

Expenditures for operating and maintaining our schools was almost \$109 million dollars last year compared to less than \$83 million dollars in 1954. Expenditures for capital outlay increased from almost 10 million dollars to more than 19 million dollars.

During the past fiscal year, more than \$122 million dollars of the \$228 million dollars in revenue collected from all sources went to education, giving it 54c out of every tax dollar collected.

Vocational high school enrollment increased from 37,920 to 48,252. The six trade schools total enrollment increased about 35% to 3,953 students. Exceptional children teachers increased 300% and now total 277. They include teachers for children with speech problems, poor hearing and vision and other special health problems.

Our highway program plays a vital role in education. More than two-thirds of all rural pupils are transported to school at public expense. Last year 4,749 vehicles traveled more than 36 million miles carrying children to and from schools.

Without our highly successful mail box road program, the effectiveness of the school bus program would be impossible.

Hot lunches were served to about 360,000 school children every school day at an average cost to the child of 22c per meal through the school lunch program.

Over nine state colleges had total enrollment increases of from 23,239 in 1953-54 to 28,530 in 1958-59, an increase of more than 31%.

I promised the people of our state on the stump four years ago that so long as I was Governor of Alabama, I was not going to force the negro children to go to school with the white children. I respectfully, humbly submit that I have kept this vow. We have not solicited law suits, we have avoided them. This I have done by working with responsible leaders of all races in this state.

I am humbly proud of the accomplishments of my administration in education.

- (1) Education has gotten more help, dollar-wise, from this administration than any other.
- (2) Class room teachers have gotten more help, dollar-wise, from this administration than any other.

REVENUE

Without revenue there could be no schools, no way to care for our old people, no public road program; without an efficient, fair administration of revenue laws there can be no democracy. During the past four years, we have administered the revenue laws with fairness and efficiency and have been able to provide, as a result thereof, more money for schools, welfare, roads, and other important programs.

Total collections from all taxes during the past four years was \$743,147,118 as compared to \$516,887,000 for the previous four years, an increase of about 43%.

During the past four years, a total of twelve all-purpose district offices were established at strategic points throughout the State. Taxpayers are served through these district offices with respect to each of the taxes administered by this Department.

Through the enactment of the Income Tax withholding law and efficient administration effected by increasing the office audit forces, the gross income tax annual collection has been increased from \$16,514,339, in 1954, to \$31,828,158 in 1958.

Over \$9 million dollars was contributed to the welfare and old age programs through the hotel and motel taxes and the increase in tobacco and cigarette taxes.

The General Fund has increased gross receipts from 23 million dollars for 1954 to 33.6 million dollars during the current fiscal year.

Ad Valorem assessments have been equalized, resulting in increased aid to cities, counties, and the state. Assessed values in-

creased from \$2 billion dollars in 1954 to \$2 billion \$600 million dollars in 1958. Taxwise this produced \$3½ million dollars for the State and \$9 million dollars for the counties and comparable increases for the cities.

FINANCE

Our State funds are, by law, budgeted and allotted, and we have maintained constant supervision over all expenditures. Over 90 million dollars has been expended by the Purchasing Division to meet the State and local requirements.

I wholeheartedly supported a competitive purchasing law and I was happy to sign it into law. This public bid bill has saved the state much money and will continue to do so down through the years.

Total receipts to the General Fund increased from \$23,622,000 to \$33,649,000.

Total annual receipts coming into the State Treasury from all sources increased from \$247,555,000 in 1954 to \$397,372,000 in 1958, which is an increase of 149,817,000.

I am very proud of the fiscal achievements of my administration, and I am happy that my successor will find the State to be in such an excellent financial condition.

BANKING

During the past four years nine new banks have been chartered, bring the total number of banks operating under State charters to 170. These banks have total resources of \$536,000,000 which represents an increase of over \$100,000,000 since 1954.

There are 131 credit unions operating under state charters of which 39 were organized during this four-year period.

Also, there are seven state chartered Savings and Loan Associations with combined assets in excess of 38 million dollars.

CONSERVATION

If our natural resources are to grow, we must conserve and protect them. The Department of Conservation has made much progress in this direction in the past four years.

Alabama enjoys state-wide forest fire protection over its 20 million acres of forests. The calibre of this protection has improved greatly in the past four years. For example, in 1954, 12,000 fires burned 381,000 of the above acres. Up to December 1st in 1958, we had had only 4,800 fires and had only lost 74,000 acres.

Our production of seedlings to meet the ever increasing demand has been tremendous. In 1954-55 production was 20,208,000 seedlings, and in 1958-59 it will be 162,000,000—about eight times as many as the former year. This is the first time that we have been able to meet the orders of our citizens. The total seedling production for the four years of my administration has been 357 million trees.

We have increased the number of public fishing lakes in Alabama from 13 to 18 in the past four years. Fishermen took over a half million trips to these lakes and caught 633,378 pounds of fish. I made quite a few of these trips myself. In the same period we put back over 17 million bream and almost two million bass in the public and private lakes and ponds of Alabama. Also, game and fish division biologists checked 3,700 ponds and lakes for Biological balance and weed control.

Not forgetting the hunters, we have restocked 433 deer, 4,336 turkeys, 60,000 bob-white quail, and 93,000 coturnix in the past four years. Also, this division has distributed 7,303,200 lespedeza seedlings to improve game feeding.

As a means of utilizing the various types of state lands, the Division of State Lands has been working toward a diversification of land uses. These include forestry practices, timber sales, oil and gas leases, coal leases, and other miscellaneous uses. From these lands, the state derived 2½ million dollars in the past four years.

More developments and improvements have been made in Alabama State Parks System in the past four years than any other similar period. Today, Alabama has more park facilities which are in better condition than ever before. This enlarged and improved program is evidenced by annual park attendance of 3 million.

The Division of Seafood planted 90,000 barrels of seed oysters during the past four years. Artificial snapper banks were created along Orange Beach and Dauphin Island, resulting in some of the most outstanding fishing ever found in these waters.

The official publication of the Department, ALABAMA-CONSERVATION has enjoyed an increase in subscribers from over 14,000 in 1954-55 to 18,000 at present. This magazine is furnished free. The public has been kept abreast of conservation activities by means of public appearances, radio, and television programs, fair exhibits and conservation literature.

BUILDING COMMISSION

This administration made nearly twenty-one million dollars available for buildings.

Notable in these building improvements are a new school plant for the deaf and blind, extensions and new facilities at Bryce and Partlow Hospitals; extensions and additions to the University of Alabama Medical Center; extensions and additions to the School of Agriculture, the Agricultural Experiment Station and the School of Veterinary Medicine at Auburn.

Six regional coliseums are being constructed with state aid.

DOCKS

Docks expansion and the development of the dock facilities for Alabama's vast inland waterways system have been keynoted this past four years.

As a result of the 10 million dollar bond issue, 3 million of which was available immediately, great strides have been made toward developing our inland waterways system for commercial shipping.

The docks at Huntsville on the Tennessee River are now complete and ready to serve the large transportation needs of those rapidly growing areas. Docks at Florence are ready for service and those at Decatur are nearing completion. In Houston County at the other end of Alabama, future modern docks at Columbia will contribute substantially to the economy of that region. Plans are ready for additional inland docks facilities at Lynn Park on the Locust Fork of the Warrior River in Walker County. An important factor in the decisions of industry for plant locations has been the availability of low-cost barge transportation. These docks, built and operated by the State to facilitate the handling of such cargo, will help to bring more industry into Alabama. They will pay for themselves over and over in benefits which will accrue to all the people of Alabama.

To increase the number of berths available for ships calling at the Port of Mobile, the Alabama State Docks initiated construction of three new cargo berths in 1957 bringing the total to 28. A fifth unloading tower has been added to the bulk material handling plant of the State Docks which will increase this unit's unloading capacity by 30%. The grain elevator, which was acquired by the State in 1955, has been a boon to the soybean farmers of the surrounding counties and our grain farmers in North Alabama.

As a result of last year's dredging of slips alongside the ship berths, increasing the depth from 32 to 36 feet, bigger and heavier ships are able to call.

Total gross tons handled during the past four years was 20,450,812, gross earnings were more than 23 million dollars, while net revenue was 2,364,214 dollars.

Capital expenditures made by the Docks during the past four years exceeded 10 million dollars, of which about 8 million dollars were spent to improve the Mobile facility.

ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD

I am especially pleased with the operation of the ABC Board during the past four years.

During this period, the total net profit of the Board was 57 million dollars, compared to 48½ million dollars for the previous four year period, an increase in net profits of more than 19%.

The Department of Pensions and Security received more than 23 million dollars, or about half of the net profits, while the general fund received more than 20 million dollars during the past four years. More than 20 million dollars was distributed to cities and counties.

The Board has done an outstanding job which resulted in less revenue to the bootleggers and more revenue for the State of Alabama.

COMMISSION ON ALCOHOLISM

At the beginning of this four year period, this Commission operated on a limited budget of \$16,000 per year. In 1957, the Legislature voted an annual appropriation of \$150,000 to enable this Commission to initiate a treatment and rehabilitation program for alcoholics.

Out-patient treatment clinics have been established in Birmingham and Montgomery. These clinics, in less than six months of operation, have treated more than 200 persons and conducted more than 1,000 interviews. These clinics are staffed with competent skilled workers.

Profits from the ABC System make possible these clinics.

MILITARY

Every citizen in Alabama can be justly proud of our National Guard whose history has been outstanding.

The day by day operation of the State Military Department, in addition to its prime objective of maintaining operational alertness and readiness, produces and distributes income to thousands of Alabamians—in drill pay, construction activities, and summer camp as well as to permanent personnel.

For maintenance and operations, military pay and construction, the National Guard received more than 37 million dollars from the Federal Government during the past four years. Dur-

ing this period 41 armories were built, seven additions to armories were made, and an aviation shop hangar was built, plus many other construction projects completed. I am proud of these armory accomplishments.

Since 1955, 30 new Army National Guard Units have been organized; actual strength has increased by 5,380 men—making our total strength over 17,000 Alabamians who participate in the program.

SELECTIVE SERVICE

The State Selective Service Department has worked closely with the Federal agencies in administering the Selective Service law in Alabama.

We have followed a liberal policy whenever any case has arisen involving hardship to the families of prospective draftees. Students who satisfactorily pursued their studies were deferred until they completed their education, while we have likewise deferred those scientists, mathematicians, and chemists possessing critical skills badly needed for the defense of our nation.

There have been no inductions of employed school teachers. No registrants under 22 years of age have been inducted except volunteers and those who were delinquent, while none have been drafted over the age of 26 years, except those having received previous deferments. I believe that, through these policies, we have successfully conserved and utilized the youth and strength of this great State.

CIVIL DEFENSE

The State Civil Defense Department has developed a state-wide operational survival plan, merging our Civil Defense units with local governmental units. Operational plans have already been completed for the cities of Birmingham, Mobile, Montgomery, Huntsville, Gadsden, Decatur, and Phenix City; all of which have been designated as potential targets in the event of a nuclear war. We are striving to attain our goal of furnishing every county and community in Alabama with a workable Civil Defense Plan.

We have obtained a total of 12 Civil Defense Emergency Hospitals. These augment our available hospitals by 1,600 beds with an estimated overall value of \$1,200,000.

Our Civil Defense program has proved helpful in combating the effects of natural disasters, several of which have occurred during my administration. In each emergency our Civil Defense organization cooperated and participated with other emergency relief agencies during the recovery period.

VETERANS AFFAIRS

The Department of Veterans Affairs maintains an office in each county to provide advice and assistance to Alabama veterans and their families.

During the past four years, this Department processed claims for veterans resulting in the recovery of nearly 10 million dollars. In its operation approximately one million separate interviews were had with veterans and their families.

AERONAUTICS

The development of a State Airport Construction Program, largely for the benefit of small towns, was a most important factor in Alabama aviation during the past four years. State grants were provided for 48 projects in 30 towns.

These grants were for 18 new fields, 17 paved runways, runway lights for 7 fields and various other improvements, including field houses, aprons, taxiways, and other facilities.

During the past four years there have been more state funds for airport construction and more airport projects than during the preceding eight years. In 1958, Alabama ranked first in the nation in airway markings.

PUBLIC SAFETY

The objective of our Highway Patrol has been to decrease traffic deaths, rather than to increase arrests, and in this we have been successful. Through the efforts of our Public Safety Division, Alabama has experienced a sharp reduction in the number of traffic deaths. In 1955, the mileage death rate was 8.6 deaths per one hundred million vehicle miles of travel, but by 1958, this rate had been reduced to 6.2 deaths, for a reduction during that period of 27.9%.

During 1958, for example, there were 118 less traffic deaths than in 1957. According to the latest report from the National Safety Council, Alabama is tied for third place with a 20% reduction in traffic deaths in the 1956-58 period.

These outstanding achievements are the result of the patient, hard-working and diligent efforts of our Highway Patrol.

During my administration, the Department of Public Safety gave 3,544 safety talks to a combined audience of 555,506 people; showed 1,992 safety films with an attendance of 304,861; distributed 4,750,719 pieces of safety literature; conducted 1,813 radio and television programs on safety; assisted in conducting 54 teenage Road-E-O's; and welcomed 13,974 incoming motorists at the state line by furnishing them with road information and a state map.

Our Highway Patrol travelled 33 million miles; checked 2,700,000 drivers licenses, assisted 23,110 drivers; recovered 802 stolen cars; investigated 45,385 accidents; and made 568 emergency relays.

During my administration, we have achieved significant pay increases for our Highway Patrol. For Patrolmen the minimum was raised from \$250 to \$310 and the maximum from \$326 to \$385 per month.

I am proud to report to the people that we now have the finest, most efficient, and most conscientious Public Safety Division in the history of our State.

DEPARTMENT OF INSURANCE

A far-seeing Legislature with the cooperation and assistance of the Executive Branch enacted legislation designed to create a healthy climate for the insurance business in Alabama. This legislation was enacted to strengthen the capitalization and investment requirement; to stop abuses in claims and cancellation of Health and Accident policies, to better protect the public, the agent, and the companies; and, to improve the quality and regulation of agents by establishing higher standards of competence, integrity, and performance.

Of special note is the legislation secured to effect the Study Committee with expert assistance to revise and bring up to date all the State Insurance Laws. The recodification has been completed for presentation to this legislature.

There are 124 domestic and 918 foreign companies operating in Alabama. Premium income for these companies increased from 256 million dollars in 1955 to almost 346 million dollars in 1957; 1958 estimates promise an increase of 10% over 1957.

For the first time in over 20 years, all domestic insurance companies have been currently examined.

BOARD OF CORRECTIONS AND INSTITUTIONS

This department strives to keep all inmates employed but this is difficult due to the increase in prisoners. The prison population has grown from 4,963 in 1954 to 5,601 at the present. This has been in spite of a bill which I supported and the Legislature passed in 1957 which allowed all misdemeanor prisoners to serve their sentences in the County Jail rather than have to come to Kilby.

The high prison population to a degree is the result of our Dark Age Fee System which still sends hundreds of prisoners to Kilby in order to work out a fee.

It has been my hope that definite steps could be taken to equalize our prison population with other states in the nation. This is a matter which deserves the attention of the Legislature.

Our entire penal system, including the Pardon and Parole Board and the Board of Corrections and Institutions need the full cooperation of the Legislature to improve the situation.

I would like to commend the Board of Corrections and Institutions for the fine progress made in its operation of 20,000 acres of farm and timber lands. These operations provide several million dollars in annual income and go far toward producing the foods for the inmates.

LABOR

The Department of Labor has rendered notable service to both labor and management through its conciliation service. Since 1955 over 1,432 disputes were investigated by this Department. Only 112 of these resulted in strikes. Many of these disputes would have resulted in costly work stoppages, had management and labor not been kept in a frame of mind to continue their discussions of their problems.

I have always felt that the so-called Right-to-Work Law is among the unfair statutes on the books and one that ought to be repealed. This we attempted to do but were not successful.

INDUSTRIAL RELATIONS

This Department operates the State Employment Service and administers the Unemployment and Workman's Compensation Programs.

As a result of the national recession, benefits paid to unemployed workers exceeded receipts by 3 million dollars but the State Unemployment Trust Fund remains in excess of 69 million dollars. I am particularly pleased to report that the maximum weekly benefit was increased from \$22 to \$25 and finally to \$28.

During the past four years, the State Employment Service interviewed 551 thousand applicants for jobs and made more than 400 thousand job placements. Major emphasis was placed on special service to the handicapped. Through the combined efforts of this Committee, Vocational Rehabilitation, and Alabama Employment Service, more than 14,000 handicapped people were placed in gainful employment with an earning power of 17½ million dollars. They will return to the State of Alabama an estimated 345 thousand dollars annually in taxes alone.

During the past four years, 36 thousand people were given special counseling, and 116 thousand were given placement tests.

Maximum weekly benefits to injured workers were increased from \$23 to \$31 and medical and hospital allowances were increased from \$500 to \$1200. More than 15 thousand businesses are covered by the Workman's Compensation Laws.

The Safety and Inspection Division made about 4,700 industrial safety inspections in 1958 in establishments which employ in excess of 345 thousand employees.

HEALTH

Steady progress has been made during the past four years toward protecting the health of Alabamians. Particularly noteworthy gains have been made in the control of TB, polio, diphtheria and typhoid. Construction of two new state TB hospitals helped to decrease the hazards of T. B.

A major cause of the polio decrease was the mass immunization program begun in 1955, which was administered by the Health Department. Over 2½ million doses were distributed and 80% of the shots administered by local health departments.

Continued emphasis on immunization has helped push the rates of diphtheria and typhoid fever down.

Forty-five projects were constituted under the Hill-Burton program since 1955, of which 15 were General Hospitals, 3 were Chronic Disease Units, and two were TB Hospitals. These hospitals gave Alabama a total of 1187 additional beds.

Mental health clinics were established in Mobile, Gadsden, and Huntsville—increasing the number of such clinics to eight.

The people of the State voted to authorize Bonds to provide 13½ million dollars for health improvement purposes. Of this, 2 million dollars of General Hospital Bonds were issued for the purpose of constructing and equipping hospitals, health centers, sanatorium, and related medical facilities. 3 million dollars to be administered by the Board of Trustees of the Alabama Institute of Deaf and Blind to acquire sites for and the construction, alteration, improvement and equipment of building facilities at the Alabama Institute for the Deaf and Blind; 4 million dollars for acquisition of sites and construction and improvement of building facilities at Alabama State Hospitals and Partlow State School; and 4½ million dollars of University of Alabama Medical Center Bonds to be used for acquisition of land and construction, and equipment of building facilities for the University of Alabama Medical Center at Birmingham.

The expenditure of these funds will result in a greatly improved health program for all Alabama.

ALABAMA EDUCATIONAL TELEVISION

The first live program of the Alabama Educational Television Commission was my inauguration on January 18, 1955, televised from Alabama's Channel 7 atop Mount Cheaha. Since then, educational television has developed in Alabama into a network of three stations; Channel 2, Andalusia; Channel 7, Munford; and Channel 10, Birmingham, giving coverage to approximately 75% of the State. Ours is the only educational television network in America. This state-owned network, whose estimated value is in excess of 7 million dollars, was achieved with a capital outlay of only 1 million dollars.

Many Alabamians now have educational and cultural opportunities which have never been available to them before. They may, through educational television, attend concerts, study mathematics and science, see treasures in museums, hear lectures by world famous professors, learn to speak French and Spanish, study home economics, and many other subjects.

PUBLIC LIBRARY SERVICE

During the past four years this Division had available more than 700 thousand dollars in State and Federal funds, to assist in providing books and library service for the various cities and counties of the State.

Since 1954, four new regional libraries have been established; 21 libraries or branches were opened, 12 buildings for libraries were built, 30 libraries were given new quarters in civic buildings. Library service has been extended since 1954 to almost 650,000 people in 19 counties which were previously unserved.

The use of the bookmobile has allowed many persons living in rural areas to enjoy library service for the first time. Twelve new bookmobiles were purchased during this administration—making a total of 23 mobile libraries to serve our needs.

OIL AND GAS PRODUCTION

During the past four years, Alabama has become a major oil producing State. When I took office there were 111 producing oil wells in the State that had produced 1,583,576 barrels of oil. On January 1, 1959, Alabama had 277 oil wells that had produced a total of 24,037,037 barrels of oil. We are currently producing 474,262 barrels of oil per month.

By far the most important development in this transition was the discovery of the Citronelle Field on August 16, 1955. At present this giant field has 162 producing wells and has produced 10,563,186 barrels of oil since its discovery. Recent output has indicated a productive area of 32,000 acres, and this field could easily be larger. In any event, it is a major oil field by whatever standards it is judged. Over 1 billion dollars worth of high quality

oil has already been outlined and field development will continue for several years.

Another development of importance, though small, has been the production of natural gas in Marion County.

Because of our giant strides in the oil industry during my administration, I have sponsored and seen enacted two very important laws affecting oil and gas production in Alabama. During the Second Special Session in 1956, legislation was passed giving the State Oil and Gas Board authority to establish drilling units in order to prevent wasteful drilling, and to diminish the risks arising from excessive drilling of wells. This legislation also serves as an incentive to producers by giving the Board authority to establish 160 acre spacing whenever circumstances permit.

During the Regular Session of 1957, legislation was enacted giving the State oil and Gas Board authority to establish the operation of a field or pool as a unit to increase ultimate recovery by secondary recovery methods, to prevent waste, and to avoid excessive drilling of wells. The passage of this legislation greatly enhances the possibility of unit operation in the Citronelle Field, whereby production could be increased from 100,000 barrels from primary recovery to a figure in excess of 300,000,000 barrels by secondary recover. This, in turn, would increase the dollar value of the Citronelle Field from approximately 300 million to 1 billion dollars.

AGRICULTURE AND INDUSTRIES

The Agriculture Department spearheaded the giant strides made in developing the broiler industry which has now made Alabama the number 2 broiler-producing state in the nation. Chicken barns have popped up all over our State.

Tighter control has been placed over Cotton storage warehouses.

An egg inspection law now insures the housewife of quality eggs.

A widespread program to kill the Fire Ants has been supervised and carried out by the Agriculture Department.

The Department has officially sponsored the Southern Championship Horse Show which is fast developing into the outstanding horse show of the nation.

PUBLICITY AND INFORMATION

Alabama's share of the tourist trade continues to increase. Income from this source rose from 74 million dollars in 1955 to 105 million dollars in 1958.

Further, the Hotel-Motel lodgings tax, enacted by the Legislation in 1955, indicates growth in the tourist trade. The collections continue to rise.

Over 30,000 tourist inquiries were received in 1958; more than three times the number received in 1955.

An official booklet dedicated to tourist development for Alabama was published, and about 250,000 copies distributed.

Alabama is rapidly becoming noted for its hunting, fishing, and all-around vacation potential.

STATE EMPLOYEES

There are more than 12,600 people now working for the State. I have always felt that the state employees were underpaid; they still are, but I am proud to say that the average monthly salary has been increased from \$261 when I took office in 1955 to the present average of \$318, an increase of 22%.

In addition to the training programs of the Department of Public Safety and the Department of Industrial Relations, a number of new programs have been developed. These include an engineering education and training program, regular instruction for Revenue Department Field Men, and an annual institute to provide training in administrative practices for employees. It should be our continuing goal to improve the salaries and working conditions of our state employees.

CONCLUSION

In conclusion, I want to mention the two all-important subjects of reapportionment and constitutional convention.

Reapportionment has been the keynote plank of every campaign I ever made for Governor.

Early in my administration, the Legislature offered a reapportionment plan to the people which was rejected at the polls.

However, the need still remains urgent and necessary for grass-roots democracy.

It has always been my belief that the best way of attaining reapportionment is through a Constitutional Convention. I believe further that a Constitutional Convention is the best way to correct other major problems which face us in Alabama today.

I want to close this report by offering my most heartfelt appreciation to the members of my cabinet, and the Legislature for their time, energy and devotion to our State. Also, I want to thank each employee of the State of Alabama—without you there could be no progress.

Many years ago I said that everything my administration has proposed has been with one aim in mind: to make life in Alabama better for every citizen. At the close of this four year period, I respectfully submit we have constantly strived to attain this goal.

May God be with you and sit with you in your deliberations.

ALABAMA LAWS
and Joint Resolutions
ORGANIZATIONAL SESSION, 1959

Act No. 1

H. J. R. 5—Pruitt, Harvey

HOUSE JOINT RESOLUTION

Whereas the late Robert Locke served with honor and distinction as a member of the Legislature, first as a State Senator during the years 1950-54, and then as a Representative from 1954 until his untimely death on January 10, 1959; and

Whereas he ably served the people of his community as sheriff of Choctaw County for twelve years and as mayor of Butler for a like period of time; and

Whereas he had also served the people of Alabama as delegate to the 1956 Democratic National Convention; and

Whereas his death is deeply mourned by the members of the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

1. That the members of the Legislature deeply mourn the passing of their colleague, The Honorable Robert Locke.
2. That the members of the Legislature hereby extend the sympathy of the people of Alabama to the survivors of the deceased.
3. That a separate page of the journal of each House be set apart for the preservation of this joint resolution and as a memorial to The Honorable Robert Locke.
4. That the Clerk of the House transmit a duly authenticated copy of this resolution to the family of the deceased.

Approved January 20, 1959.
Time: 12:50 P. M.

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
FIRST SPECIAL SESSION OF 1959
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, FEBRUARY 3, 1959



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

JOHN PATTERSON, Governor
ALBERT BOUTWELL, Lieutenant Governor
VAUGHAN HILL ROBISON, President Pro Tem. of the Senate
CHAS. C. ADAMS, Speaker of the House
VIRGIS M. ASHWORTH, Speaker Pro Tem. of the House
J. E. SPEIGHT, Secretary of the Senate
OAKLEY MELTON, JR., Clerk of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1959 First Special Session of the Legislature of Alabama and is the official publication of such acts.

Bettye Frink,
Secretary of State.

**MESSAGE OF GOVERNOR JOHN PATTERSON
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT FIRST SPECIAL SESSION, FEBRUARY 3, 1959**

LT. GOVERNOR BOUTWELL, MR. SPEAKER, MEMBERS OF
THE JOINT SESSION OF THE ALABAMA LEGISLATURE:

It is a great honor for me to have the privilege of addressing you on this occasion, and as Chief Executive of our great State, I wish to extend to each of you a friendly and cordial greeting. I wish to congratulate each of you on your election or reelection to this body. Your election to serve in the legislature is a splendid tribute to you from the people.

I wish to take this opportunity to express my appreciation for the many assurances of cooperation that I have received from the members of this Legislative Body, and in return, I pledge my wholehearted cooperation to you. I am looking forward with a great deal of pleasure to working closely with each of you during the coming four years in directing and handling the affairs of our State Government in the interest of all our citizens.

I feel a deep personal pride and satisfaction when I realize that the people of Alabama have bestowed upon me the honor of presiding over our state government as Chief Executive for the next four years. I express my deepest gratitude to the citizens of our State for this high honor and for the faith and confidence that they have expressed in me.

It is our duty to bring to the citizens of Alabama the kind of government they are entitled to—a government that is *honest, efficient and progressive*. We all understand that we are here to serve all the people of Alabama honestly, intelligently and conscientiously. We must fully realize that the actions that we take will directly affect the lives of every person in our State.

I am pleased to report to you that we have experienced an orderly transition from the Folsom administration to the Patterson administration and the various departments of our State Government have changed hands with a minimum of confusion. I am further pleased to report that the affairs of the state are being conducted in an orderly, business-like and efficient manner.

We have numerous problems, some of which are very serious, which were inherited from the prior administration. We are attacking these problems with vigor and we are doing everything possible to solve them in the interests of all our citizens. Time does not permit me today to discuss all of these problems with you in detail, however, I would like to point out a few. Due to prior mismanagement in the State Docks Department the con-

dition of that department is serious. Debts have been incurred by the prior administration possibly in excess of $1\frac{1}{2}$ million dollars, and there are insufficient funds in the department to pay the debts. One contractor alone is owed in excess of \$600,000.00 for work already performed at the State Docks in Mobile. We have found deficiencies in the Conservation Department and particularly in the Seafoods Division. Laws pertaining to the purchase of personal property have consistently been violated in the past. We have taken steps to correct these deficiencies, as well as others, and I feel certain that we will have all departments operating in a legal and efficient manner and carrying out their duties as required by law in a very short time.

We have serious problems facing us in the field of public education. Teachers' salaries are inadequate and something must be done to provide adequate school facilities for our children. Recent legal developments concerning segregation of the races in public schools is cause for alarm. We must reappraise our laws, keep constantly abreast of all developments in this field, and be prepared to act promptly without hesitation and on a moment's notice to preserve segregation of the races. Your executive branch is studying these problems and it will be my privilege to report to you on these matters from time to time.

Pursuant to the authority granted to me as Governor by the Constitution, I heretofore issued a proclamation calling you into this extraordinary session due to the existence of an emergency in our state government which requires your immediate attention and action. The continuation of our splendid highway program is seriously threatened by the lack of state funds to match federal funds available. This is a real emergency requiring immediate action to protect the interest of all the citizens of this state and to prevent irreparable injury to the state and its highway and road system. If we do not take immediate action to remedy this situation, our road program will break down with resulting damage to our economy and we will run the risk of losing federal funds available for road building in our state.

One of our greatest assets is our splendid network of highways and roads. We must keep this system of highways modern, up-to-date and abreast of the era of progress in which we live. We must do this in order to compete with other states for new industries and business. Our highways must be kept up-to-date to adequately serve the needs of our people and to attract tourists to our state.

Urban areas are critically in need of relief from traffic congestion. Continued improvement and modernization of our highway system will reduce the wrecks on our highways, thus reducing personal injuries and deaths.

We have made tremendous progress during the post-war years in improving and expanding our highway system, but even with these tremendous accomplishments our highway and road program has failed to keep pace with new developments and today we are lagging far behind. Our highway development has fallen far behind traffic demands. The gap between present facilities and our present needs has widened to critical proportions. Without immediate remedial action the gap will broaden further. A major portion of the highways and roads of this state need immediate work and repair and the load upon our State Highway Department will be greater during the next four years. Our population is growing, our motor vehicle registrations are increasing and travel on our highways and roads is increasing at a tremendous rate. The experts tell us that traffic on the highways will increase more than 75% in the next twenty years. It is easy to see that the future will be even more of a challenge than the past in providing highways for our citizens to meet their needs for safe, comfortable and convenient transportation.

During the next four years we will have allotted to us by the federal government over 326 million dollars in federal funds for road construction. In order to take advantage of this tremendous opportunity to build highways and roads for the future, the State of Alabama must provide approximately 99 million dollars for matching purposes. Thus we will put up 99 million dollars and receive in return over 326 million. It would be sheer folly to fail to take advantage of this splendid opportunity.

The State of Alabama will have available from present gasoline taxes and other revenues, for matching purposes, during the next four years approximately 36 million dollars. Therefore, in order to take advantage of the federal funds available it is absolutely necessary that the state sell bonds in the amount of 60 million dollars to meet the needs of our highway program. This 60 million dollar sum represents a *bare minimum* necessary to carry on a progressive road program and match available federal funds.

Our tremendous interstate highway program is just getting under way and when completed will give Alabama a fine network of limited-access super highways. The federal government will allot about 244 million dollars to the State of Alabama during my administration for interstate highway construction and we are required to match with this sum approximately 25 million dollars. We absolutely cannot fail to take advantage of this interstate program. We must not allow Alabama's part of the program to lag behind the program in other states. We cannot afford to delay this program as it will place an undue burden on subsequent administrations and might well result in the loss of federal funds to the state.

Of all state funds which will be expended in our road program during my administration, about 37% of the funds will be spent on interstate and urban roads, while about 63% will be spent in rural areas.

The financial condition of the Highway Department is excellent. There are sufficient revenues from present gasoline taxes coming into the Highway Department to finance the 60 million dollar bond issue, as well as service all prior bonded indebtedness. There are sufficient revenues coming into the Highway Department to finance the entire road building program of this state during my administration without adding any more taxes on our people. There are sufficient revenues coming into the Highway Department to give us a better than two to one coverage on the proposed 60 million dollar bond issue. In fact, the financial condition of the Highway Department is such that we could issue 100 million dollars of highway revenue bonds without any increase in taxes and still have a very attractive and saleable bond. The revenues coming into the Highway Department from present taxes clearly indicate that four years from now the administration that follows the Patterson administration will be in excellent financial condition and will be able to continue without let-up the progressive and needed road program now under way. The 60 million dollar bond issue which we propose should not be considered an expenditure of money, but should be considered an investment for the future.

We have prepared a budget in the Highway Department based upon receiving the 60 million dollars from this proposed bond issue and our budget will provide a splendid highway and road program for every city, county and community in this state. Our budget provides adequate funds for maintenance, adequate funds for 100% state construction and secondary road programs, adequate funds for farm-to-market road programs, and adequate funds for the other federal-state matching programs including the interstate system.

This program along with the proposed bills concerning this 60 million dollar bond issue were not thought up nor conceived overnight. I have been working on this program for over a year. I have had the assistance of some of the best legal and financial advisors in the state in working out this program. I have had the assistance and advice of the best highway engineers in this state in developing this program. This is what we need and it is the best highway program that we can devise to meet the needs of our people. There is not a single selfish motive or idea embodied in these bills anywhere. We are introducing in this special session three bills to ask for this 60 million dollar bond issue.

Two of the bills are designed to amend Section 7 of Act No. 43 adopted in the first special session of 1955 and Section 656 of

Title 51, Code of Alabama, 1940. These amendments are somewhat technical and are designed to make the bonds more saleable. The main bill authorizes the Alabama Highway Authority, which was created in 1955, to issue an additional 60 million dollars in highway revenue bonds. This bill provides that the 60 million dollars would be used for federal matching purposes; however, I want to assure you that there will be ample funds in the Highway Department to provide a splendid highway and road program for maintenance, 100% state projects and secondary and county roads.

I want to assure you that we are going to have an efficient and economical operation of your Highway Department during my administration. The money available to the Highway Department will be spent wisely and in the interests of all of the citizens of this state. I guarantee you that we will get a full dollar's worth of roads for every dollar spent.

Time does not permit me to go into great detail in explaining the bills which will be presented, authorizing the 60 million dollar bond issue, and the details concerning all phases of our road program; however, competent and experienced attorneys, bankers, financial experts and our highway engineers, as well as other competent witnesses will be available for testimony before your committees to explain the bond issue, the financial condition of the state, and our road program in detail. I am anxious to cooperate with you in every way possible, and to give you all the facts concerning our program. I have heretofore mailed each of you copies of the bills to be introduced so that you could familiarize yourselves with them.

I wish to further assure you that if authority is granted for us to issue the revenue bonds, we will borrow the money only as needed, always bearing in mind what is to the best interests of the citizens of our state.

The bills which we are presenting provide for Revenue Bonds as distinguished from General Obligation Bonds. We have looked into this matter in considerable detail and it is my opinion that we should authorize the sale of Revenue Bonds. Taking into consideration the cost of having a state-wide election to vote on general obligation bonds, the long delay in getting our road program under way as a result of waiting on an election, as well as numerous other factors which would cause considerable loss and damage to the State if the highway program is delayed, and comparing the favorable interest rates, I feel that it is in the best interests of the state and its citizens to ask for authority to issue Revenue Bonds.

I urge you to take action on the passage of these bills immediately so that we can keep the present highway program going

without a let-up, and so that we can lay out our plans for highway construction for the years ahead. In my opinion a delay in this matter will cause irreparable damage to our state.

I earnestly request that you enact these bills as written, for as I have said before, these bills represent the best program that we can work out for the people. A progressive road program was one of the main planks in my platform when I ran for Governor. Everywhere I went in Alabama, the people were anxious to know if I was going to continue a good road program if elected. We are duty bound to give the people a good road program and that is the kind of program that I present to you today.

Thank you.

ALABAMA LAWS

and Joint Resolutions

FIRST SPECIAL SESSION, 1959

Act No. 1

H. J. R. 5—Ashworth

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the printed Journals of the Organizational Session, this Special Session and the regular Session of 1959, and the Acts of this Special Session of the Legislature, and the regular Session of 1959, be bound respectively with the Printed Journal and Acts of the Regular Session which convenes in May 1959.

Approved February 6, 1959.

Time: 4:00 P. M.

Act No. 2

H. J. R. 6—Ashworth

HOUSE JOINT RESOLUTION

Relative to the death of Mrs. Mary Green Sorrell Patterson

Whereas Mrs. Mary Green Sorrell Patterson recently passed away at her home in Tallapoosa County; and

Whereas Mrs. Patterson was the mother of the late Albert L. Patterson, who died a martyr to the cause of good government in Alabama, and was the grandmother of the present Governor of Alabama, The Honorable John M. Patterson; and

Whereas the members of the Legislature wish to extend their condolences to the surviving members of the family of Mrs. Patterson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

1. That the members of the Legislature do hereby express their deep regret at the passing of Mrs. Mary Green Sorrell Patterson, and extend their sincere sympathy to the surviving members of her family.

2. That the Clerk of the House is directed to transmit a duly authenticated copy of this resolution to The Honorable John M. Patterson, Governor of the State of Alabama.

Approved February 6, 1959.

Time: 4:01 P. M.

Act No. 3

H. J. R. 9—Ashworth

HOUSE JOINT RESOLUTION

Whereas the Inaugural Parade and the ceremonies and festivities of Inauguration Day, January 19, 1959, were excellent in their planning and conduct; and

Whereas the officials and other persons responsible for the preparation and management of the parade and the other inaugural ceremonies and festivities are to be sincerely congratulated and commended for their efforts in making Inauguration Day a splendid success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the Legislature of Alabama does hereby commend and express its sincere appreciation to the Inaugural Committee, and especially the chairman thereof, The Honorable Edward J. Azar, the officials of the cities and counties of Alabama, the officers and members of the Highway Patrol, the officials of the City of Montgomery, the officers and members of the Montgomery Fire and Police Departments, and the press and radio and television stations of Alabama, for their cooperation and efforts in making Inauguration Day, January 19, 1959, truly an auspicious occasion.

Approved February 6, 1959.

Time: 4:02 P. M.

Act No. 4

H. J. R. 10—Ashworth

HOUSE JOINT RESOLUTION

WHEREAS, the January 12, 1959 Edition of "South", the news magazine of Dixie, was known as, and designated "Alabama Inauguration Edition" and,

WHEREAS, this issue of the South magazine contains biographical sketches and photographs of the Governor, the Governor's Cabinet, and the members of the Legislature, thus making it a valuable historical document as well as being presently useful and informative, and

WHEREAS, this Legislature desires to express its appreciation to South magazine and to the Honorable Hubert Baughn, its Editor and Publisher for his thoughtfulness in preparing this issue.

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that this Legislature does hereby express its appreciation and gratitude to the Editor and Publisher of "South" for the inauguration Edition, and that we wish for him a long life filled with success and happiness.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded by the Clerk of the House to the said Hubert Baughn.

Approved February 6, 1959.

Time: 4:03 P. M.

Act No. 5

S. J. R. 1—deGraffenried

SENATE JOINT RESOLUTION

WHEREAS education since its acceptance as an obligation of government has been considered the exclusive responsibility of the several states, and

WHEREAS, the several states over a period of years have invested great sums of money in establishing systems of public education within their respective boundaries suited to the economic, cultural and social requirements of each of said states, and,

WHEREAS, no system of public education can long survive, which is not responsive to the needs and demands of the people it serves, and

WHEREAS, only those systems of public education maintained, administered and exclusively controlled by the several states they serve, can enjoy the necessary support from the people essential to an atmosphere conducive to the transmission of knowledge to young students, and

WHEREAS, the Federal Government is now engaged in extending its regulatory powers into the field of public education in the several states, and

WHEREAS, there is grave danger of this extension of the power of the Federal Government resulting in a system of national public education dedicated to the requirements of a super government, rather than to the needs of the several states; now, therefore

BE IT RESOLVED by the Senate, the House of Representatives concurring, that the Legislature of Alabama, as provided in Article V of the Constitution of the United States of America, does hereby make application to and memorialize the Congress of the United States of America to call a convention to consider submitting to the Legislatures of the several states an amendment to the Constitution of the United States of America in substantially the following form:

“The several states shall have the power to establish, maintain and exclusively control a system of public education within their respective boundaries consistent with the economic, cultural and social needs of each of the several states.”

BE IT FURTHER RESOLVED, that copies of this Resolution be transmitted by the Secretary of State to the Clerk of the House of Representatives of the United States of America, to the Secretary of the Senate of the United States of America, and to each member of the Alabama delegation to the Congress of the United States of America to be filed and presented by said delegation to the Congress of the United States of America.

BE IT FURTHER RESOLVED, that the Legislature of Alabama does hereby respectfully request the Legislatures of the several states of the United States of America to join in presenting similar applications to the Congress of the United States of America.

Approved February 6, 1959.
Time: 4:04 P. M.

Act No. 6

H. J. R. 13—Trimmier, Hocklander, Murphy, McCorquodale, Bounds, Brannan, Britton, Goodwyn

HOUSE JOINT RESOLUTION

WHEREAS it is provided in Act No. 51 of the 1947 Legislature that one member of the Gulf States Marine Fisheries Commission created by the Gulf States Marine Fisheries Compact should be from time to time elected by the Legislature of Alabama from its members; and

WHEREAS the Commissioner designated by the 1955 Legislature is no longer a member of the Alabama Legislature;

NOW THEREFORE BE IT RESOLVED by the House of Representatives, the Senate concurring that Senator Will G. Caffey, Jr. of Mobile County be elected and designated by the Legislature of Alabama to serve as a Commissioner on the said Gulf States Marine Fisheries Commission, as provided for in said Act No. 51 of the 1947 Legislature for a period of four (4) years or until his successor shall have been elected.

Approved February 11, 1959.
Time: 12:37 P. M.

Act No. 7

S. J. R. 4—Givhan

SENATE JOINT RESOLUTION

To provide for the continuation of the joint committee established by H. J. R. 107, Act No. 483, approved September 6, 1957, to study the problems involved in the production and processing of cotton.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint committee established pursuant to H. J. R. 107, Act No. 483, approved September 6, 1957 (Acts of 1957, p. 667) shall continue in existence as presently constituted and shall continue its work as directed in said Act No. 483. The committee shall make a final report to the Legislature on or before the fifth legislative day of the 1961 Regular Session.

RESOLVED FURTHER, That there shall be added to the membership of the committee as ex officio members thereof, the Commissioner of Agriculture and Industries and the Speaker of the House. Also, the committee is authorized to meet thirty days in addition to the meeting days heretofore provided for in said Act No. 483, and each member of the committee shall be entitled to compensation and expenses as provided for in said Act No. 483.

AND RESOLVED FURTHER, That any provision of said H. J. R. 107, Act No. 483, in conflict with this resolution is hereby rescinded.

Approved February 13, 1959.

Time: 2:50 P. M.

Act No. 8

H. J. R. 17—Johnson (Tallapoosa)

HOUSE JOINT RESOLUTION

Whereas, a duly convened session of the House of Representatives of Alabama was rudely interrupted on last Friday morning, February 6, by a federal marshal serving a subpoena on a member of this body in defiance of a long-established custom in this and many other states of according to members of the Legislature immunity not only from arrest but also from service of any and all types of process while attending sessions of the Legislature; and

Whereas, this particular interruption was absolutely unnecessary since no procedural delay in the case in which this member was subpoenaed would have resulted from waiting to serve this subpoena on a day and at a time when the Legislature was not in session; and

Whereas, the case in which this writ was issued, as well as the way and manner of serving it, evidences an utter disregard for the rights and customs of the State of Alabama, its Legislature and the members thereof and evinces a clear plan or scheme of action on the part of the Department of Justice to harass and irritate the people of Alabama and ultimately to usurp control for federal civil righters of a state function long accorded to the State of Alabama;—conspicuous by its absence is any evidence

that this plan is designed to further the cause of right or justice by fair, honest and impartial law enforcement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the action of the Department of Justice relative to the case in which a subpoena was served on The Honorable Grady Rogers, The Representative in the Alabama Legislature from Macon County, during a legislative meeting on February 6, is deplored.

Be It Further Resolved that the manner of serving this subpoena is deemed an affront to the State of Alabama, and the Department of Justice is hereby condemned for this malicious insult to a State in the name of law enforcement.

Be It Further Resolved that a copy of this resolution be sent by the Clerk of the House of Representatives to the Attorney General of the United States.

Approved February 13, 1959.

Time: 2:50 P. M.

Act No. 9

H. J. R. 20—Torbert, Turnham

HOUSE JOINT RESOLUTION

Whereas the Legislature of the State of Tennessee has provided for the appointment by the Governor of that state of a legislative committee to investigate the activities of the Highlander Folk School of Grundy County, Tennessee; and

Whereas it has been brought to the attention of the Legislature of Alabama that the Highlander Folk School, and other organizations affiliated with that school, are allegedly involved in activities subversive to the American system of government and our Southern way of life; and

Whereas the Legislature of Alabama desires to express its support of this action recently taken by our sister state, Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the Legislature of Alabama hereby commends the Legislature of Tennessee and the Governor of Tennessee for their recent action in connection with the establishment of a legislative committee to investigate the alleged subversive activities of the Highlander Folk School of Grundy County, Tennessee, and other organizations affiliated therewith.

And be it resolved, further, that the Clerk of the House transmit a duly authenticated copy of this resolution to the Governor of the State of Tennessee, The Honorable Buford Ellington, and

that the Clerk respectfully request Governor Ellington to inform the Legislature of Tennessee of our action in regard to the passage of this resolution.

Approved February 13, 1959.

Time: 2:50 P. M.

Act No. 10

H. J. R. 21—Callahan, Ferguson

HOUSE JOINT RESOLUTION

Whereas Dr. Frank Rose, President of the University of Alabama, has announced the establishment of a greater University of Alabama development program designed to meet the most urgent financial problems now confronting the University; and

Whereas this program has the active support of numerous prominent Alabamians, including such outstanding citizens as Messrs. Thomas D. Russell of Alexander City, Hugh Comer of Sylacauga, John C. Persons of Birmingham, and Thomas W. Martin of Birmingham, each of whom has agreed to serve on the president's council for development; and

Whereas such splendid leadership speaks well for the success of the development program; and

Whereas the Legislature wishes to express its approval of this commendable example of initiative on the part of the University in attempting to solve its more immediate financial problems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the Legislature hereby notes with approval, and expresses its support of, the greater University of Alabama development program now being undertaken by the University, and extends to the University its best wishes for the complete success of this highly significant program.

And be it resolved, further, that the Clerk of the House transmit a duly authenticated copy of this resolution to Dr. Frank Rose, President of the University of Alabama.

Approved February 13, 1959.

Time: 2:50 P. M.

Act No. 11

H. J. R. 22—Callahan

HOUSE JOINT RESOLUTION

Authorizing The Board of Trustees of the University of Alabama to designate the building housing the School of Chemistry on the University's Main Campus as "LLOYD HALL."

WHEREAS, The Board of Trustees of the University of Alabama has indicated its disposition to designate the Chemistry Building on the Main Campus of the University "Lloyd Hall" in honor of Dean Emeritus Stewart J. Lloyd, and

WHEREAS, Dr. Lloyd served with distinction on the faculty of the University for forty-three years from 1909 until his retirement in 1952, serving as Professor of Chemistry, Professor of Chemical Engineering and as first Dean of the School of Chemistry, Metallurgy and Ceramics, and has through the years, and is now materially contributing to the development of Alabama's natural resources as an industrial consultant in geology and chemistry including service as acting Director of the Alabama State Geological Survey from 1938 to 1944.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, the Senate concurring, That The Board of Trustees of the University of Alabama is hereby authorized to designate the building housing the School of Chemistry on the University of Alabama Main Campus as "Lloyd Hall."

Approved February 13, 1959.

Time: 2:50 P. M.

Act No. 12

H. J. R. 23—Callahan

HOUSE JOINT RESOLUTION

Authorizing The Board of Trustees of the University of Alabama to designate the Physics Building on the Main Campus of the University as "GALLALEE HALL."

WHEREAS, The Board of Trustees of the University of Alabama has indicated its disposition to designate the building on the University's Main Campus housing the Department of Physics as "Gallalee Hall" in honor of President Emeritus John M. Gallalee, and

WHEREAS, Dr. Gallalee served the University as a Professor of Engineering for thirty-six years and as its President from 1948 to his retirement in 1953 during which time the University experienced great growth, advancement and physical expansion which included the construction of the building in 1950 which houses the Department of Physics; and

WHEREAS, Dr. Gallalee has also served the State of Alabama as the first Director of the State Building Commission, Consulting Engineer and Trustee of the Alabama State Hospitals, consultant to many industrial firms and in many other capacities contributed to the growth and development of the State.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, the Senate concurring, That The Board of Trustees of the University of Alabama is hereby authorized to designate the building housing the Department of Physics as "Gallalee Hall."

Approved February 13, 1959.

Time: 2:50 P. M.

Act No. 13

H. 5—Lee, Thomas

AN ACT

Proposing an amendment to the Constitution authorizing the court of county commissioners, board of revenue, or like governing body of Barbour County to levy each year, in lieu of the tax levy authorized by the first proviso of Section 215, Article 11 of the Constitution, a special county tax on the taxable property within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution is proposed, and shall become a part thereof when approved by the electors and proclaimed by the Governor as prescribed by Law:

Amendment

"The court of county commissioners, board of revenue, or like governing body of Barbour County may levy each year hereafter, in lieu of the tax levy authorized by the first proviso of Section 215, Article 11 of the Constitution, a special county tax on the taxable property within the county at a rate not to exceed twenty-five cents on each one hundred dollars worth of taxable property in such county, to pay any debt or liability incurred for the erection of a new county courthouse, for the construction, repair, and maintenance of other necessary public buildings, and for general county purposes; provided, that the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election. The election shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the first statewide primary, general, or special election held after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940)."

Section 3. Notice of the election and of the proposed amend-

ment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Passed the House February 11, 1959.

Passed the Senate February 17, 1959.

Filed with Secretary of State February 18, 1959.

Act No. 14

S. J. R. 6—Samford, Leonard, Hines
Godfrey, Robert, Dumas,
Gaither, Wyatt, Clark,
Wilson, Givhan, Graham,
Kendall, Webb, Word,
Rutledge, Shelton, Moses,
Turner, Barnett, Farmer,
Crawford, Golson, Cooper,
Haltom, Andrews,
Archer, Berryman, Robinson,
Eddins, deGraffenried,
Caffey, Porter and
Green

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Legislature of Alabama is grateful to the Standard Oil Company of Alabama and Kentucky for the opportunity of viewing, along with the Governor's Cabinet and the heads of state departments, the premiere on February 11 of that company's new film, "Scenic Alabama," which beautifully depicts many highlights of this State's natural beauty and industrial and agricultural development from Muscle Shoals to Mobile Bay and from the Chattahoochee to Tuscaloosa.

BE IT FURTHER RESOLVED, That the Legislature commends the Standard Oil Company for the civic-mindedness and public spirit which prompted it to prepare this excellent picture, and to offer it for exhibition before groups of students, youth clubs, service clubs and many other organizations, within this State, in our neighboring states, in other sections of this country and even abroad, thus making available an accurate and beautiful portrayal of Alabama, its natural resources, its cultural advantages, its people and their progress to literally thousands of people in such a way that Alabama will appeal to them as an interesting and attractive place to vacation or to live; and this is particularly

appreciated now when Alabama is frequently maligned by minority groups and held up to public scorn by agents of a power-hungry federal Government.

BE IT FURTHER RESOLVED, That the Legislature on behalf of the people of Alabama heartily thanks the Standard Oil Company of Alabama and Kentucky for the many benefits that will inevitably inure to Alabama and its people from the circulation of this film.

Approved February 18, 1959.

Time: 5:00 P. M.

Act No. 15

H. 26—Murphy, Trimmier, Hocklander

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the Legislature to provide for the establishment of a pension or retirement system for public officers of Mobile County, and for the public officers of incorporated municipalities within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part of the Constitution when approved and proclaimed as prescribed by law:

Proposed Amendment.

"The legislature may hereafter, by general, local, or special laws, provide for the establishment of a pension or retirement system or systems for the benefit of public officers of Mobile County and the officers of incorporated municipalities within the county, any provision of the Constitution to the contrary notwithstanding, and may provide for the retirement of such officers on pay or part pay. But any such law shall not become operative until it is first approved by a majority of the qualified electors of the county, or of the municipality affected thereby, voting in a referendum election held for that purpose."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the first statewide primary, general, or special election held after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks

next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Passed by the House February 11, 1959.

Amended and passed by the Senate February 18, 1959.

Senate amendment concurred in and repassed by the House February 18, 1959.

Filed with Secretary of State February 19, 1959.

Act No. 16

H. J. R. 11—Thomas, Sullivan, Sessions, Ashworth, Gross, Jones (Monroe), Merrill, Hain, Franklin, Brannon, Albea, Oakley, McCorquodale, Brannan, Brooks, Bailey, Goldthwaite, Ramey, Perry, Adams (Tallapoosa), Solomon, Ingram, Powell, Adams (Houston), Rozelle, Rogers, Taylor, Glass, Roberts, Chambers, Goodwyn, Cornett, Rast, McLendon, Boyd, Pierce, Smith (Russell), Lee, Jenkins, Faulk, Salter, Gilmer, Pruitt, Bassett, McClendon, Britton, Oden, Hanby, Torbert, Turnham, Brewer, Speaks, Meade, Johnson (Tallapoosa), Hardy, Owens, Nettles, Hawkins, Callahan, Ray, Bounds, Jones (Covington), Grouby, Steagall.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That:

WHEREAS, there will be introduced a number of bills in both houses of the legislature, a large number of which will have overlapping and possibly conflicting provisions, particularly concerning the operation of the public school system, the exercise of the police power of the state, counties and municipalities, the registration of voters and other matters of general importance, and

WHEREAS, the convenience of persons interested in such legislation in presenting their views thereon, and the orderly and expeditious consideration of such proposed legislation by the regular constituted committees and by the legislature would be facilitated by a joint committee of both houses created to review, consider, and coordinate such bills and resolutions.

THEREFORE, BE IT RESOLVED THAT:

1. The Speaker of the House and the President of the Senate respectively appoint 9 members of the House and 6 members of the Senate to serve as a Coordinating Committee of the Legislature;

2. There shall be sent to the Coordinating Committee for its recommendations by the chairmen of the regular standing committees to which bills and resolutions have been referred, copies of all bills and resolutions dealing with the maintenance of peace and order of the state or any community, the exercise by the state or any county or municipality of its police power, the operation of public schools, and other related matters deemed to be suitable for the consideration and recommendations of said committee;

3. Said Coordinating Committee shall meet at such times, places and manner as it may determine to consider, coordinate and make recommendations with respect to bills and resolutions of both houses which may be sent to it;

4. Standing committees shall defer public hearings or other action upon bills or resolutions referred to them while the same are before the Coordinating Committee for its recommendations.

5. The Clerk of the House and the Secretary of the Senate are requested to provide the Committee with the necessary clerical assistance.

Approved February 19, 1959.

Time: 1:20 P. M.

Act No. 17

H. J. R. 14—Powell, Turnham, Torbert, Smith
(Russell), Ashworth, Nettles,
Cornett, Adams (Tallapoosa),
Goodwyn, Pierce, Goldthwaite,
Bailey, Jones (Monroe), McLendon (Bullock)

HOUSE JOINT RESOLUTION

Be it resolved by the Legislature of Alabama, both Houses thereof concurring:

1. The representatives from the counties of Bullock, Elmore, Lee, Macon, Montgomery, Russell, and Tallapoosa, and the senators from the tenth, twenty-sixth, twenty-seventh, and twenty-eighth senatorial districts, are hereby constituted a special joint continuing committee, to be known as the "Macon County Standby Committee," who shall have the duty and responsibility of continuing to study conditions in Macon and contiguous counties

particularly, and in the State as a whole generally, for the purpose of keeping current information on problems relating to Macon County, and making recommendations from time to time on legislation needed to meet any changing conditions or emergencies that may arise in Macon County. The committee shall report at least once each year to the Legislative Council.

2. The senator from the twenty-sixth senatorial district shall serve as chairman of the committee, and a vice chairman shall be selected by the committee from among their number.

3. Meetings of the committee shall be held at such times and in such places as the chairman or a majority of the committee may designate.

4. The committee shall utilize the Legislative Reference Service as committee clerk but may also employ such other technical and clerical personnel as may be necessary.

5. Committee members shall be entitled to their usual legislative per diem and expenses for each day they attend a committee meeting, or are otherwise engaged on committee business. The per diem and expenses of members, the compensation and expenses of personnel employed by the committee, and the other expenses incurred by the committee in the performance of its function, shall be paid from appropriations made for the payment of expenses of the Legislature, on vouchers approved by the committee chairman.

Approved February 19, 1959.

Time: 1:18 P. M.

Act No. 18

H. J. R. 26—Turnham, Torbert, Hawkins, Reynolds (Chambers), Sessions, Adams (Tallapoosa), Gilmer, Nichols, Solomon, McClendon (Chambers), Edwards, Rast, Salter, Bailey, Ashworth, Lee, Gilchrist, Morrow, Oakley, Boyd, Turner, Cook, McLendon (Bullock), Powell, Jones (Monroe), Smith (Russell), Cornett, Steagall

HOUSE JOINT RESOLUTION

Whereas the people of the State of Alabama take justifiable pride in the accomplishments of their institutions of higher learning; and

Whereas the accomplishments of Auburn's athletic teams have been especially noteworthy during recent years, and their success has redounded greatly to the credit of the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the Legislature does hereby commend Auburn and the members of its basketball team for its successful season and its current standing of second in the national ratings, and that the members of the Legislature do hereby extend to Auburn their best wishes for success in next Saturday's crucial game with the University of Kentucky, with the hope that after Saturday's game, Auburn will be number one in the national basketball ratings.

Be it further resolved, that the Clerk of the House transmit a copy of this resolution to Dr. Ralph B. Draughon, President of Auburn.

Approved February 19, 1959.

Time: 1:19 P. M.

Act No. 19

H. 4—Thomas, Lee

AN ACT

To repeal Act No. 148, H. 177, approved February 24, 1956 (Acts of 1956, Vol. I, p. 212).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 148, H. 177, approved February 24, 1956 (Acts of 1956, Vol. I, p. 212) is hereby repealed.

Section 2. This Act shall take effect immediately.

Approved February 19, 1959.

Time: 2:01 P. M.

Act No. 20

H. 7—Brannan

AN ACT

Relating to corporations organized to operate municipal water, sewer, gas, and electric systems; regulating further the compensation of members of boards of directors of such corporations in all counties having a population of not less than 40,500 nor more than 44,500, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. When any officer of a municipality is a member of the board of directors of a corporation organized to operate a municipal water, sewer, gas, or electric system pursuant to the Act

of June 29, 1951, in any county having a population of not less than 40,500 nor more than 44,500, according to the last or any subsequent federal decennial census, he is entitled to compensation the same as the other directors of the corporation, the provisions of any other law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.
Time: 2:00 P. M.

Act No. 21

H. 9—Taylor, Glass

AN ACT

For the relief of Edwin Whittle of Butler County; authorizing the court of county commissioners, board of revenue, or other like governing body of Butler County to make an appropriation of county funds to compensate Edwin Whittle for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Butler County is hereby authorized and empowered to appropriate from any funds in the county treasury not otherwise appropriated the sum of seven hundred dollars (\$700) for the relief of Edwin Whittle of Butler County, to compensate him for damages sustained as a result of a motor vehicle accident involving a truck owned by Butler County and being operated at the time by an employee of the county road department at the intersection of the McKenzie-Greenville highway and the Georgiana-Brantley highway during the year 1957, which accident occurred under such circumstances that the county is justly obligated to pay the damages but the said Edwin Whittle has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.
Time: 1:25 P. M.

Act No. 22

H. 10—McClendon, Reynolds (Chambers)

AN ACT

To apply in Chambers County only; regulating further the taking of fish from the Tallapoosa River and from the mouths of tributaries there-

of; authorizing the taking of catfish by the use of baskets or nets, including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person duly licensed as provided in this Act may take, capture, and kill catfish from that part of the Tallapoosa River which flows through Chambers County and from the mouth of any stream or creek which empties into such river in such county for his domestic use or consumption by the use of baskets or nets, including wire mesh baskets having a mesh of one inch or more; provided, that no person shall be licensed to fish with more than four such baskets or nets.

Section 2. Any person desiring a license to fish for catfish with baskets or nets, including wire mesh baskets, may apply to the probate judge of Chambers County, and shall pay a county privilege license tax of one dollar for each basket he proposes to fish, not exceeding four altogether. The probate judge shall issue such license on forms provided by the county governing body, and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a calendar year basis, and all licenses issued in any year shall expire on December 31 of each year.

Section 3. All revenues derived from the sale of licenses as provided in this Act shall be used by the county under the direction of the State Department of Conservation solely for stocking the streams and impounded waters in the county with game fish, or for the feeding and cultivation of game fish; provided, the probate judge may retain five per cent of all revenues collected for issuing such licenses and collecting such taxes.

Section 4. It shall be unlawful for any licensee to sell or offer to sell fish taken, captured, or killed in a basket or net, including wire mesh baskets. Any person who violates this section shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law; in addition to such punishment, the court trying the case shall revoke the license of such person.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.
Time: 1:26 P. M.

Act No. 23

H. 12—Harris

AN ACT

Requiring the board of revenue, court of county commissioners, or other like governing body of DeKalb County to provide for holding a referendum to determine whether a majority of the qualified electors of the county voting therein are in favor of having the State Highway Department exercise jurisdiction over the construction, repair, and maintenance of county roads and bridges.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of DeKalb County shall provide for holding a referendum on a day not less than thirty nor more than ninety days after the effective date of this Act, for the purpose of determining whether a majority of the qualified electors of the county voting therein are in favor of having the State Highway Department exercise jurisdiction over the construction, repair, and maintenance of county roads and bridges. On the ballots to be used at the election, the question shall be stated substantially as follows: "Do you favor having the State Highway Department exercise jurisdiction over the construction, repair, and maintenance of county roads and bridges? Yes () No ()." The election shall be called, held, and conducted as nearly as possible in the manner provided by Chapter 7, Title 12, Code 1940, for holding elections relative to the issuance of county bonds.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:24 P. M.

Act No. 24

H. 15—Martin (Greene)

AN ACT

To levy additional privilege licenses and excise taxes for public school purposes within Greene County, such taxes to parallel the state sales and use taxes provided for in Section 752 through Section 811, and Articles 10 and 11, Chapter 20, Title 51, Code of Alabama (1940), as amended and supplemented; to provide for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; and to provide penalties for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There are hereby levied and imposed in Greene County, in addition to all other taxes of every kind now imposed by law, a county privilege or license tax against the person on account of business activities in an amount to be determined by

the application of rates against gross sales, or gross receipts, as the case may be, and a county excise tax, as follows:

1. Upon every person, firm, or corporation engaged or continuing within Greene County in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Greene County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Greene County, an amount equal to one per cent of the gross receipts of any such business.

3. An excise tax on the storage, use, or other consumption in Greene County of tangible personal property purchased at retail, at the rate of one per cent of the sales price of such property.

4. Upon every person, firm, or corporation engaged or continuing within Greene County in the business of selling any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-third of one per cent of the gross proceeds of the sale of such automotive vehicle, or truck trailer and semi-trailer.

5. Upon every person, firm, or corporation engaged or continuing within Greene County in the business of selling any used automotive vehicle or truck trailer and semi-trailer, where such vehicles are bought for purposes of resale, an amount equal to

one-third of one per cent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer; provided, however, this subsection shall not apply to the sale of any used automotive vehicle or truck trailer or semi-trailer where it was acquired as a part of the consideration for the sale, trade, or exchange, in the county, of any new or used motor vehicle, truck, truck trailer, or semi-trailer.

6. An excise tax on the storage, use or other consumption in the county of any new or used automotive vehicle, truck trailer, or semi-trailer purchased at retail on or after the effective date of this Act for storage, use, or other consumption in the county at the rate of one-third of one per cent of the sales price of such automotive vehicle, truck trailer, or semi-trailer.

The taxes levied by this Act shall be subject to all definitions, exemptions, proceedings, rules, regulations, requirements, fines, penalties, punishments, and deductions as are provided in Section 752 through Section 811, and Articles 10 and 11, of Chapter 20, Title 51, Code of Alabama (1940), and all acts amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof.

Every person storing, using, or otherwise consuming in Greene County any tangible personal property purchased at retail shall be liable for the tax imposed by Paragraph 3 or 6, above, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county showing the payment of the tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 2. The taxes levied by this Act shall be collected by the Department of Revenue of the State of Alabama, at the same time and along with the collection by that department of taxes levied and collected for the State of Alabama under the provisions of Section 752 through Section 811, and Articles 10 and 11, of Chapter 20, Title 51, Code of Alabama (1940), and all acts amendatory thereof or supplementary thereto, and all reports now required to be made to the Commissioner of Revenue shall, on the request of the Department of Revenue, be available for inspection by the chairman of the Greene County, Alabama Board of Education, or his designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the county taxes levied by this Act, and shall have all the authority and duties in connection with such taxes as are now given by law to the Department of Revenue or the Commissioner of Revenue in connection with the collection of the state sales and use taxes provided for by Section

752 through Section 811, and Articles 10 and 11, of Chapter 20, Title 51, Code of Alabama (1940), and all acts amendatory thereof or supplementary thereto. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all taxes collected under this Act; and on or before the first day of the following month, the Commissioner shall certify to the State Comptroller the amount of special taxes collected under the provisions of this Act for the use and benefit of Greene County Board of Education during the calendar month immediately preceding the month of making such certificate. Whereupon, it shall be the duty of the Comptroller to issue his warrant on the State Treasury, payable to the custodian of the public school funds of Greene County, in his official capacity, in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of Greene County Board of Education and paid into the State Treasury. The County Board of Education of Greene County shall use all revenue arising from the taxes herein levied exclusively and solely for acquiring, providing, or constructing school houses and related buildings necessary or convenient for public school purposes, and equipping, furnishing, or repairing any such buildings, and acquiring sites therefor or for other capital outlay purposes for public schools within Greene County, Alabama.

Section 3. The Department of Revenue shall charge Greene County Board of Education for collecting the special taxes levied by this Act such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Greene County Board of Education, but such charge shall not, in any event, exceed two per cent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes shall be deducted once each year from the special sales and special use taxes collected in the month of September of each year before certifying the amount of special sales and special use taxes due Greene County Board of Education for that month. The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act, and otherwise to enforce the provisions of this Act, including any litigation involving the Act, and the Department of Revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the county.

Section 4. The taxes levied by this Act, together with the interest and penalties which are authorized herein, shall be a lien upon the property of any person, firm, or corporation liable for taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or relating to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of taxes levied by

this Act. The taxes levied by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Greene County.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective on the first day of the second month next following the date of its enactment.

Approved February 19, 1959.

Time: 1:23 P. M.

Act No. 25

H. 18—Dodd

AN ACT

Relating to Lawrence County, Alabama; levying a license tax on persons and other engaging in selling tangible personal property at retail and on persons and other conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended, providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Articles 10 and 11, as amended; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Meaning of Terms Used in this Act. All words, terms and phrases that defined in Article 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as heretofore amended, shall, where used in this act, have the meanings, respectively ascribed to them in Articles 10 and 11, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms and phrases

where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning; "this State" means the State of Alabama; "Lawrence County" means Lawrence County in this State; "State Sales Tax statutes" means Article 10 of Chapter 20 of Title 51 of said Code, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in the said Article 10 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein; "State Sales Tax" means the tax imposed by the State Sales Tax statutes; "State Use Tax statutes" means Article 11 of Chapter 20 of Title 51 of said Code, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in the said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein; "State Use Tax" means the tax imposed by the State Use Tax statutes; "registered seller" means a person registered with the State Department of Revenue pursuant to Section 790 of Title 51 of said Code, as heretofore amended; "month" means a calendar month; "quarterly period" means the period of three months ending on the last day of each March, June, September and December; and "fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. Effective on the first day of the month succeeding the month during which this act becomes law, there is hereby levied in Lawrence County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation (including the University of Alabama, Alabama Polytechnic Institute and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions), engaged or continuing, within Lawrence County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), and amount equal to one percent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; pro-

vided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

(b) Upon every person, firm or corporation engaged or continuing within Lawrence County, in the business or conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association of a state, county or city school, or other institution, association or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within this State, an amount equal to one per cent (1%) of the gross receipts of any such business:

(c) Upon every person, firm, or corporation engaged or continuing, within Lawrence County, in the business or selling any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-third of one per cent ($\frac{1}{3}$ of 1%) of the gross proceeds of the sale of said automobile vehicle, or truck trailer and semi-trailer; and

(d) Upon every person, firm or corporation engaged or continuing within Lawrence County, in the business of selling any used automotive vehicle or truck trailer and semi-trailer, where such vehicle are bought for the purpose of resale, an amount equal to one-third of one per cent ($\frac{1}{3}$ of 1%) of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer; provided, however, that this subsection shall not apply to the sale of any used automotive vehicle or truck trailer or semi-trailer where it was acquired by the retailer as part of the consideration for the sale, trade, or exchange, in this State of any new or used motor vehicle, truck trailer or semi-trailer; provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.

Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible personalty. An excise tax is hereby imposed on

(a) The storage, use or other consumption in Lawrence County of Tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this act shall become law, for storage, use or other consumption in Lawrence County, at the rate of one per cent (1%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Lawrence County or in this State, except as provided in subsection (b) of this section; and

(b) The storage, use, or other consumption in Lawrence County of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of the month next succeeding the month during which this act becomes law, for storage, use or other consumption in Lawrence County, at the rate of one-third of one per cent ($1/3$ of 1%) of the sales price of such automotive vehicle, truck trailer or semi-trailer; provided, however, that this subsection shall not apply to the storage, use or other consumption in Lawrence County of any used automotive vehicle, truck trailer or semi-trailer purchased by the retailer as part of the consideration for the sale, trade or exchange in this State of any new or used motor vehicle, truck trailer or semi-trailer; provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use of other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceeding sentence, every person storing, using or otherwise consuming in Lawrence County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this act, to the purchaser of any property to be used, stored or consumed in Lawrence County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Due Dates and Payment of, and Reports Respecting, the Taxes herein levied. The taxes levied in Section 2 of this act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 3 of this act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March,

June, September and December. All taxes levied in this act shall be paid to and collected by the State Department of Revenue at the same time and along with the collection of the State Sales Tax and the State Use Tax. On or prior to the due dates of the taxes herein levied each person subject to said taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2 hereof to be used as a measurement of the tax levied in said Section 2, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 3 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 3 during the then preceding quarterly period; provided, however, that said reports shall include also such other items of information pertinent to the said taxes and the amount thereof as the State Department of Revenue may require. Any person subject to the taxes levied in Section 2 hereof may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of Lawrence County, or its designated agent, at reasonable times during business hours.

Section 5. Collection, Payment and Report by Registered Sellers of Tax Levied in Section 3 hereof. Every registered seller making sales of tangible personal property for storage, use or other consumption in Lawrence County (which storage, use or other consumption is not herein exempted from the tax imposed in Section 3 hereof) shall at the time of making such sales or, if the storage, use or other consumption of such tangible property in Lawrence County is not then taxable under this act, at the time such storage, use or other consumption becomes taxable hereunder collect the tax imposed by Section 2 of this act for the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 4 hereof, each registered seller shall file with the State Department of Revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales prices of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the Tax imposed by Section 3 of this act during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax herein required to be

collected by such registered seller during the period covered by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage or other consumption of tangible personal property in Lawrence County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use or other consumption of which is subject to the tax imposed by Section 3 of this act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 4 hereof.

Section 6. Tax to be Passed on to Purchaser, User or Consumer. Each person engaging or continuing within Lawrence County in a business subject to the taxes levied in Section 2 of this act shall add to the sale price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in Section 2; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 5 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 3 of this act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 7. Enforcement and Collection of Taxes herein Levied; Taxes Constitute a Lien on Property of Persons from whom Due. The taxes imposed by this act shall constitute a debt due Lawrence County and may be collected by civil suit, in addition to all other methods provided by Law and in this act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes.

All of the provisions of the revenue laws of this State which apply to the enforcement of liens for license taxes due this State shall apply fully to the collection of the taxes herein levied, and the State Department of Revenue, for the use and benefit of Lawrence County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this State or the department has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Lawrence County.

Section 8. Adoption by Reference of State Sales Tax Statutes and State Use Tax Statutes, where Applicable. All provisions of the State Sales Tax statutes with respect to payment, assessment and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the State Sales Tax statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 2 hereof, shall apply to the tax levied in the said Section 2, and all provisions of the State Use Tax statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the State Use Tax statutes, the promulgation of rules and regulations with respect to the State Use Tax, and the administration and enforcement of the State Use Tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 3 hereof, shall apply to the tax levied in the said Section 3. The State Commissioner of Revenue and the State Department of Revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Sections 2 and 3 hereof that are imposed on the commissioner and the department, respectively, by the State Sales Tax statutes and the State Use Tax statutes. All provisions of the State Sales Tax statutes and the State Use Tax statutes that are made applicable in this act to the taxes herein levied and to the administration of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. Discounts allowed Retailers and Registered Sellers. Each person subject to the license tax provided for in Section 2

hereof shall be allowed and may retain, out of the taxes levied by said Section 2 and payable by such retailer, a discount equal to five percent (5%) of the first \$100.00 of each monthly payment of said taxes plus two per cent (2%) of that part of each such monthly payment in excess of \$100.00. Each registered seller shall be allowed and may retain, out of the taxes herein required to be collected by such registered seller, a discount equal to three per cent (3%) thereof.

Section 10. Disposition of Revenues from Taxes herein Levied. The State Department of Revenue shall make an annual charge to Lawrence County for collecting the taxes herein levied, such charge for each fiscal year to be an amount bearing the same relation and standing in the same ratio, to the total amount of the taxes collected hereunder that the total cost during the same fiscal year or collecting the State Sales Tax and the State Use Tax bears to the total amount of the State Sales Tax and the State Use Tax collected during that fiscal year. The said annual charge for each fiscal year shall be deducted in monthly installments and retained by the State Department of Revenue out of the taxes collected hereunder, the amount of the charge retained during each month to be computed by applying to each month's collections the aforesaid percentage or ratio of the cost of collecting the State Sales Tax and the State Use Tax for the then next preceding fiscal year, and upon final determination for each fiscal year of the amount of the charge for that fiscal year, the aggregate amounts theretofore so retained by the State Department of Revenue during such fiscal year shall be corrected and adjusted, such adjustments to be reflected in the amounts paid to Lawrence County hereunder for the month of November of the next succeeding fiscal year. The Commissioner of Revenue shall pay into the State treasury all taxes collected under this act, as such taxes are received by the Commissioner; and on or before the first day of each successive month (commencing with the month following the month in which the Commissioner makes the first collections hereunder), the Commissioner shall certify to the State Comptroller the amount of taxes collected and paid by him into the state treasury under the provisions of this act and for the benefit of Lawrence County during the month immediately preceding the making of such certificate; provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Lawrence County during each month, the Commissioner shall deduct from the taxes collected in said month that portion of the aforesaid annual charge of the department for that fiscal year that is hereby provided to be deducted from the taxes collected in said month. It shall be the duty of the Comptroller each month to issue his warrant on the State Treasurer, in the amount so certified by the Commissioner of Revenue as having been collected under this act and paid during the then preceding month into the state treasury, payable to the

Board of Education of Lawrence County. Said Board of Education shall use the tax proceeds so paid to it as follows: (a) At any time when said Board of Education shall have issued no warrants for which said taxes are pledged, the said tax proceeds shall be used by said Board of Education for Public school purposes generally in Lawrence County, such proceeds to be divided and applied for the benefit of all of the school districts in Lawrence County, as such districts may exist from time to time when the tax proceeds are received by said Board of Education, in the proportion that the average daily attendance during the then next preceding school year of students at all public schools in the territory comprising each such school district bears to the average daily attendance of students at all public schools in Lawrence County during the same period; and (b) In the event that said Board of Education should, pursuant to the provisions of any general law hereafter issue warrants and pledge for payment thereof the taxes herein levied, the said tax proceeds shall be applied for the following purposes and in the following order: (1) payment at their respective maturities of the principal of and interest on any such warrants, not exceeding \$1,000,000 in aggregate principal amount, which might from time to time be issued by said Board of Education pursuant to general law for capital outlay purposes and for which the tax is pledged; (2) the creation and maintenance, out of the balance remaining after setting aside during each fiscal year an amount sufficient to pay the principal and interest that will mature during said fiscal year on any of said warrants then outstanding, of a reserve fund, which reserve fund shall be in such amount as the Board of Education may deem advantageous but not less than an amount equal to the maximum principal and interest payable with respect to such warrants during any one fiscal year, (3) when such reserve fund shall have been built up to the aforesaid maximum and after there shall have been set aside an amount sufficient to pay the principal and interest that will mature during the same fiscal year with respect to those of said warrants at the time outstanding and to restore any withdrawals theretofore made from the reserve fund, the balance of said proceeds received by said Board of Education during each fiscal year shall be used by it for public school purposes generally among all of the school districts in Lawrence County, as such districts may exist from time to time when the aforesaid balance of said tax proceeds is so used by said Board of Education, in the proportion that the average daily attendance during the then next preceding school year of students at all public schools in the territory comprising each such school district bears to the average daily attendance of students at all public schools in Lawrence County during the same period. The proceeds from any warrants that may be issued as aforesaid and for which the taxes herein levied may be pledged shall be used by said Board of Education for capital outlay purposes for or with respect to each

school district in Lawrence County in the proportion that the average daily attendance of students during the school year next preceding the issuance of such warrants at all public schools in the territory comprising each such school district bears to the average daily attendance of students at all public schools in Lawrence County during the same period.

Section 11. Termination of Levy. If no warrants for which the taxes herein levied are pledged shall have been issued under any general law by the Board of Education of Lawrence County prior to September 30, 1973, the levy of taxes herein made shall terminate at midnight on that date. In the event that said Board of Education shall prior to said date issue warrants for payment of which the taxes herein levied shall be pledged, then the levy of taxes herein made shall terminate at the end of the month during which such warrants shall have been fully paid or during which moneys sufficient to pay the principal and interest that will thereafter mature with respect to the warrants shall be on deposit for such purpose in any special funds, including the said reserve fund. Upon termination of the levy of taxes herein made, all of the provisions of this act pertaining to payment and collection of said taxes, the making of reports and maintenance of records with respect thereto, and in general the enforcement of the act shall thereafter continue to be effective with respect to the taxes herein levied that shall have accrued hereunder prior to termination of said levy.

Section 12. Severability Clause. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 13. Effective Date of Act. This act shall become effective on the first day of the month succeeding the month during which this act shall be approved by the Governor or shall otherwise become law.

Approved February 19, 1959.

Time: 1:21 P. M.

Act No. 26

H. 19—Dodd

AN ACT

To provide for termination of the levy of taxes made in Act No. 487 adopted at the 1957 Regular Session of the Legislature of Alabama, and entitled "An Act to levy additional privilege license and excise taxes for purposes of public school construction within Lawrence County, such taxes to parallel the state sales and use taxes provided for in Section 752 through Section 811, and Articles 10 and 11, Chapter 20, Title 51, Code of Alabama (1940), as amended and supplemented; providing for the

collection of such taxes by the State Department of Revenue and for the distribution of the proceeds thereof; providing for the enforcement of the Act; and providing penalties for violations of the Act"; and to make further provisions for the use of the proceeds from said taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Termination of Levy of Taxes made in Act No. 487, 1957 Acts. The levy of taxes made in Act No. 487 adopted at the 1957 Regular Session of the Legislature of Alabama and entitled "An Act to levy additional privilege license and excise taxes for purposes of public school construction within Lawrence County, such taxes to parallel the state sales and use taxes provided for in Section 752 through Section 811, and Articles 10 and 11, Chapter 20, Title 51, Code of Alabama (1940), as amended and supplemented; providing for the collection of such taxes by the State Department of Revenue, and for the distribution of the proceeds thereof; providing for the enforcement of the Act; and providing penalties for violations of the Act", and approved September 10, 1957, shall terminate at midnight of the last day of the month during which this act shall be approved by the Governor or shall otherwise become law. All of the provisions of said Act No. 487 pertaining to payment and collection of the taxes therein levied, the making of reports and maintenance of records with respect thereto, and in general the enforcement of said Act No. 487 shall, following the termination of said levy, continue to be effective with respect to the taxes therein levied that shall have accrued under said act prior to the aforesaid termination of said levy.

Section 2. Use of Proceeds from Taxes Levied by said Act. All proceeds from the taxes levied in said Act No. 487 that may be heretofore or hereafter collected, after payment of the costs of collection thereof, shall be used for the following purposes only: (a) payment of costs incurred by Lawrence County and the Board of Education of Lawrence County, or by either of them in connection with any litigation arising out of or pertaining to said Act No. 487; (b) payment of the costs of preparing and of publishing notice of the intention to apply for the passage of, any legislation that said county and said board of education or either of them may cause to be prepared for the purpose of levying taxes similar to those provided for in said Act No. 487; and (c) application by said board of education of any balance of said proceeds, remaining after payment of the items referred to in the foregoing clauses (a) and (b), for public school purposes generally in Lawrence County, such proceeds to be divided and applied by said board of education for the benefit of all of the school districts in Lawrence County in the proportion that the average daily attendance of students during the then preceding school year at all public schools in the territory comprising each such school district bears to the average daily attendance of students at all public schools in Lawrence County during the same period.

Section 3. Repeal of Conflicting Laws. All laws or parts of laws which conflict with this act are, to the extent of such conflict, repealed.

Section 4. Severability Clause. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Approved February 19, 1959.

Time: 1:22 P. M.

Act No. 27

H. 21—Reynolds (Madison), Roberts

AN ACT

To alter, rearrange, and extend the boundaries of the Town of Madison in Madison County, providing for a referendum election to determine whether the Act will become effective.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The boundaries of the Town of Madison in Madison County are hereby altered, rearranged and extended so as to include within the corporate limits of such town, in addition to the territory included within the present corporate limits, the following described territory:

All of Sections 8,9,10,15,16,21, and 22 and the Northwest quarter (NW $\frac{1}{4}$), Northeast quarter (NE $\frac{1}{4}$) and the Southeast quarter (SE $\frac{1}{4}$) of Section 17 and the East One-half ($\frac{1}{2}$) of Section 20 and all that part of Section 11 more particularly described as beginning at the Northeast corner of Section 10; thence due East along the north boundary of Section 11 a distance of 700 feet to a point; thence due South parallel to the East boundary of Section 10 a distance of 5280 feet more or less to the northern boundary line of the Southern Railroad; thence due West 700 feet along said northern boundary of the Southern Railroad to a point on the East boundary line of Section 10; thence due north 5280 feet more or less along the East boundary of Section 10 to the point of beginning, all of the aforesaid land lying and being in Township 4 South, Range 2 West, Madison County, Alabama, LESS AND EXCEPTING THEREFROM the area encompassing the present existing corporate limits; said limits are particularly described as follows: Twelve hundred yards square, parallel with the Memphis and Charleston Railroad (Southern Railroad), making the starting point three hundred and fifty yards west of the crossing of said railroad and the section line between the sixteenth and seventeenth sections, commencing in center of

railroad and running square off from said railroad and continue northwardly six hundred yards; thence in an eastwardly direction twelve hundred yards parallel with railroad; thence southwardly twelve hundred yards; thence westwardly parallel with railroad; thence northwardly six hundred yards to the place of beginning.

SECTION 2. All laws or parts of laws which conflict with this Act are repealed.

SECTION 3. (a) The substantial provisions of this Act shall become effective only if the Act is approved by a majority of the qualified electors of Madison County who reside within the territory described herein which is outside the present corporate limits of the Town of Madison, voting at a referendum election. The election shall be held on the first Tuesday after the expiration of thirty days from the date of this enactment.

(b) Notice of the election shall be given by the Sheriff of Madison County, and such notice shall be published one time in a newspaper having a general circulation in Madison County at least ten days prior to the date of the election. The notice shall state the date on which the election is to be held, the voting place or places designated by the Board of County Commissioners of Madison County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the particular territory annexed to the Town by this Act; and the notice must state that a map of the territory to be affected is on file in the office of the Judge of Probate of said county, open to inspection by the public. It shall be sufficient if such notice is in substance as follows:

"Notice is hereby given that, pursuant to Act No. _____ (giving number of this Act and date of enactment), an election will be held on Tuesday, the _____ day of _____ 1959, during the hours between 8:00 A.M. and 6:00 P.M., in the unincorporated territory described in Section 1 of said Act No. _____ and in a map on file in the office of the judge of probate of Madison County, for the purpose of submitting to the qualified electors residing in such unincorporated territory the question of approval or disapproval of such Act.

"Notice is also given that there have been designated and appointed as voting places, and as officers to serve at such voting places, the following: (Here describe the locations of the designated places of voting and list the names of the election officials appointed for each place.)"

(c) The Board of County Commissioners of Madison County may designate as many places within the particular territory to be annexed to the Town as they may deem necessary for the convenience of the voters, and must designate the boundaries

within which the voters must reside to vote at the respective voting places; and the appointing board, consisting of the Judge of Probate, Sheriff and Circuit Clerk of Madison County, as provided by law, shall appoint an inspector, a chief clerk, and two assistant clerks for each voting machine to be used at the election.

(d) Each qualified voter who has resided within the boundaries of the territory to be annexed to the Town for three months next preceding the election may vote at the election, but he must vote at the voting place designated by the Board of County Commissioners for voters in the territory in which he resides and in no other place. The Board of Registrars shall prepare or cause to be prepared a list of qualified electors who are entitled to vote at the election.

(e) The election must be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as modified by the provisions of this Act.

(f) The Probate Judge of Madison County shall cause to be installed voting machines at the designated voting places, and have prepared for the election all election supplies, including the ballot labels and the costs of these supplies shall be paid by the Town of Madison. The question to be printed on the ballot labels shall be substantially stated as follows: "Do you favor annexation to the Town of Madison in accordance with the provisions of Act No. _____, approved _____, 1959? YES () NO ()."

(g) The inspectors at the several voting places must, as soon as the polls are closed, ascertain and certify the results of the election to the Judge of Probate, and the judge must canvass the returns as made. If a majority of the votes cast are "YES," this Act shall become operative as of September 30, 1959; if a majority are "NO," this Act shall have no further effect. The Probate Judge of Madison County shall certify the results of the election to the Secretary of State and to the governing body of the Town of Madison within thirty days from the date of the election, and he shall keep on file in his office a copy of such certificate.

(h) The Probate Judge of Madison County shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, all of which shall be paid by the Town of Madison.

Approved February 19, 1959.
Time: 1:08 P. M.

Act No. 28

H. 22—Roberts, Reynolds (Madison)

AN ACT

To amend Act No. 501, S. 399, approved September 10, 1957 (Acts of Alabama, Regular Session, 1957, p. 688), entitled "An Act relating to Madison County; changing the method of compensating the judge of probate; placing such officer on a salary; and providing for his assistants, and the office equipment, supplies, services, and materials necessary for the conduct of his office."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 501, S. 399, approved September 10, 1957 (Acts of Alabama, Regular Session, 1957, p. 688), entitled "An Act relating to Madison County; changing the method of compensating the judge of probate; placing such officer on a salary; and providing for his assistants, and the office equipment, supplies, services, and materials necessary for the conduct of his office," is amended to read as follows:

"Section 2. The judge of probate shall appoint his own clerks and assistants, and fix their compensation, but the total combined compensation of all such clerks and assistants shall not exceed the sum of \$35,000.00 per annum, which compensation not to exceed the said sum of \$35,000.00 shall be provided by the Court of County Commissioners, Board of Revenue or like governing body of Madison County."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:06 P. M.

Act No. 29

H. 23—Reynolds (Madison), Roberts

AN ACT

For the relief of Bob Whitman; authorizing the court of county commissioners, board of revenue or other like governing body of Madison County to make an appropriation from the county treasury to compensate Bob Whitman for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or other like governing body of Madison County is hereby authorized and empowered to appropriate from the county treasury a sum not to exceed sixty-five dollars (\$65.00) for the relief of Bob Whitman, to compensate him for damages incurred as the result of a motor vehicle accident involving his automobile and

a truck owned and operated by Madison County and being driven by an employee of the county, which accident occurred near New Market in Madison County on or about September 1, 1956, under such circumstances that the county is morally obligated to pay the damages, but the said Bob Whitman has no recourse at law to recover same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:05 P. M.

Act No. 30

H. 24—Reynolds (Madison), Roberts

AN ACT

Relating to Madison County: To amend Act No. 215, S. 255, approved July 21, 1953, which provided for deputies for the sheriff of such county, fixed their salaries and provided for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 215, S. 255, approved July 21, 1953, entitled "An Act To provide deputies for the Sheriff of Madison County, Alabama, and to provide the salaries and manner of payment of the salaries for such deputies" (Acts of Alabama 1953, page 282), is hereby amended to read as follows:

"Section 1. The Sheriff of Madison County may, after the effective date of this Act, employ the following assistants at the following rate of compensation: One Chief Deputy Sheriff, to receive a compensation to be determined by the Sheriff, but the amount of said compensation so determined shall not be greater than four thousand two hundred dollars (\$4,200) per annum; and, in addition thereto, six Deputy Sheriffs, to receive a compensation to be determined by the Sheriff, but the amount of said compensation so determined shall not be greater than three thousand six hundred dollars (\$3,600) per annum each. Each of the foregoing assistants shall hold office at the pleasure of the Sheriff, and shall receive their compensation in equal monthly installments upon warrants drawn in the same manner as those drawn for salaries of other employees of Madison County."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:07 P. M.

Act No. 31

H. 25—Self

AN ACT

To provide an expense allowance to members of the Board of Revenue, Court of County Commissioners, or like governing body of Marion County.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Board of Revenue, Court of County Commissioners, or other like governing body of Marion County shall be entitled to reimbursement for expenses incurred in the performance of his duties, to be paid from the County Treasury, an amount not less than seventy-five dollars, nor more than one hundred seventy-five dollars per month, at the discretion of said Board of Revenue, Court of County Commissioners, or other like governing body of Marion County, on warrants drawn in the manner prescribed by law for the payment of his compensation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:05 P. M.

Act No. 32

H. 27—Murphy, Trimmier, Hocklander

AN ACT

To provide that in all counties having a population of not less than 225,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census, in which counties the microfilming of certain records filed in the probate office is authorized by law, the judge of probate may adopt reasonable rules and regulations either limiting public access to the drawer files or other such files in which such microfilmed records are stored or maintained, or prohibiting the use of such files or drawer files of microfilmed records except by, or with the assistance of, an authorized clerk in the office of the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 225,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census, in which county the microfilming of certain records filed in the probate office is authorized by law, the judge of probate may adopt and promulgate reasonable rules and regulations either limiting public access to the drawer files or other such files in which such microfilmed records are stored or maintained, or prohibiting the use of such files or drawer files except by, or with the assistance of, an authorized clerk in the office of the judge of probate.

Section 2. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:15 P. M.

Act No. 33

H. 28—Murphy, Trimmier, Hocklander

AN ACT

To authorize the probate judges of all counties having a population of not less than 225,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census, to destroy or otherwise dispose of certain papers and documents filed for record in his office under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of any county having a population of not less than 225,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census, is authorized and empowered to destroy or otherwise dispose of any deed, mortgage or other like instrument filed for record in his office when the owner thereof fails to provide a forwarding address to which such paper or document may be mailed after recording and fails to claim or demand the return of such paper or document within two years from the date such paper or document was filed for record.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:14 P. M.

Act No. 34

H. 29—Murphy, Trimmier, Hocklander

AN ACT

To authorize the board of revenue, court of county commissioners, or other like governing body of counties having a population of not less than 225,000 nor more than 500,000 according to the last or any subsequent federal decennial census, to provide the various officers of such counties with the necessary quarters, books, stationery, office equipment, postage, and other such conveniences, supplies and equipment for the proper and efficient conduct of the official business of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of any county having a population of not less than 225,000 nor more than 500,000, according to the last or any subsequent federal decennial census, may provide the various officers of such county with such quarters, books, stationery, office equipment, postage, and other conveniences, supplies and equipment as the board may in its discretion deem necessary or convenient for the proper and efficient conduct of the official business of their offices.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:12 P. M.

Act No. 35

H. 30—Murphy, Trimmier, Hocklander

AN ACT

To authorize the payment of the salaries or other compensation of all officers and employees of any county having a population of not less than 225,000 nor more than 500,000 according to the last or any subsequent federal decennial census, on a monthly, semi-monthly, or bi-weekly basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of any county having a population of not less than 225,000 nor more than 500,000, according to the last or any subsequent federal decennial census, may, in its discretion, provide for the payment of the salaries or other compensation of all officers and employees of the county on a monthly, semi-monthly, or bi-weekly basis, any other provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:13 P. M.

Act No. 36

H. 31—Goodwyn

AN ACT

To amend further Sections 13 and 15 of Title 46, Code of Alabama 1940, which relates to the registration of architects.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13 of Title 46, Code of Alabama 1940 as amended by an act approved June 22, 1943, is further amended to read as follows:

"Section 13. The Secretary of the Board shall receive and account for all monies derived from the operation of this Chapter, and all monies received by the Board under the provisions of this Chapter shall be by the Secretary certified into the treasury to the credit of the fund of the Board for Registration of Architects, who shall keep such monies in a separate fund to be known as the "Fund of the Board for Registration of Architects," which fund shall be drawn against only for the purpose of this Chapter as herein provided and any part of such fund, over and above the sum of Two Hundred Dollars, as shall remain unexpended at the end of each fiscal year shall be transferred to the general fund of the State of Alabama. The fiscal year used by the Board shall commence on the first day of October and end on the 30th day of September. Each member of the Board shall receive ten dollars per day for attending sessions of the Board or its committee, and for the time actually spent in necessary travel, in attending meetings of said Board or its committee and in addition shall be reimbursed for the necessary traveling and clerical expenses incurred in carrying out the provisions of this Chapter. All expenses certified by the Board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, additional legal services, experts, clerks, and office rent and supplies, shall be paid out of said fund on the warrant of the Comptroller of the state, issued on requisitions signed by the Chairman and Secretary of the Board provided, however, that at no time in any one fiscal year shall the total amount of warrants issued exceed the total amount of funds accumulated under this Chapter. The Secretary of the Board shall give a surety bond in a surety company qualified to do business in Alabama in the sum of three thousand dollars payable to the State of Alabama and conditioned for the faithful performance of his duties under this Chapter. The premium on said bond shall be paid out of monies in the treasury to the credit of the "Fund of the Board for Registration of Architects." Provided the Board may from year to year make donations from its surplus funds to any state educational institution for assistance in promoting the education and research programs in architecture of such state institutions."

Section 2. Section 15 of Title 46, Code of Alabama 1940 as

amended by an act approved June 22, 1943, is further amended to read as follows:

"Section 15. The Board shall receive applications for registration as an architect only on forms prescribed and furnished by said Board and upon receipt of such application and the payment of a fee of twenty-five dollars to said Board, may issue to such applicant without detailed examination a certificate of registration as an architect provided such applicant meets the following requirements: Any person who holds an unexpired certificate issued to him by proper authority in the District of Columbia or any State or any Territory of the United States, or in any province of the Dominion of Canada in which the requirements for registration of architects are approved by the Board as substantially equivalent to those fixed and determined by this Chapter, may be entitled to receive such certificate to practice architecture without an examination by the Board. Any disabled veterans of any war in which the United States has been or may be engaged, who is a resident of this State and who submits evidence that he has received from the United States Veterans Bureau a certificate showing that he has completed a rehabilitation course acceptable to the Board relating to the practice of architecture, and who passes an oral examination of a character to be determined by the Board, may be entitled to receive such certificate to practice architecture without further examination by said Board. The following facts established in the application may be regarded as *prima facie* "evidence" satisfactory to the Board that the applicant is fully qualified to practice architecture; Graduation after a course of not less than four years in architecture from a school or college of architecture, approved by the Board as of satisfactory standing and an additional three years actual engagement in architectural work in the office or offices of a reputable architect or architects. Persons who have passed the junior or senior examination and received a certificate of "National Council of Architectural Registration Boards." All other applicants must also be of good moral character and shall pass satisfactorily, under rules and regulations fixed by the Board, an examination to be conducted by three examiners selected by the Board. The examiners may conduct examinations at least twice a year. Such examiners must promptly make report and recommendations to the Board after each such examination. In determining the qualifications for registration, a majority vote of the members of the Board shall be required. In case the Board denies the issuance of a certificate to an applicant, one-half of the registration fee paid by the applicant shall be repaid by the Board to said applicant. Certificates for registration shall expire on the 30th day of September, following their issuance or renewal and shall become invalid on that day unless renewed. Provided, however, that certificates for registration of registrants hereunder who are or may be in the Armed Forces of the United States shall not

expire until the 30th day of September following such registrants' discharge or final separation from said Armed Forces. Renewal may be effected at any time prior to or during the month of September by the payment of a fee as established by the Board not to exceed twenty-five dollars. Penalty or penalties not to exceed the sum of five dollars may be added by the Board to the renewal fee for failure to renew his or her certificate on or before the last day of each September."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:16 P. M.

Act No. 37

H. 32—Gilchrist, Brewer

AN ACT

Relating to counties which have a population of not less than 49,500 nor more than 54,000 inhabitants, according to the last or any subsequent federal decennial census, and which have a county or inferior court on which has been conferred jurisdiction concurrent with the circuit in equity and civil matters; providing for the compensation of the court reporter of the county court of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties which have a population of not less than 49,500 nor more than 54,000 inhabitants, according to the last or any subsequent federal decennial census, and which have a county or inferior court on which has been conferred jurisdiction concurrent with the circuit court in equity and civil matters.

Section 2. The court reporter of the county court of any county to which this Act applies shall receive a salary of not more than three thousand six hundred dollars (\$3,600.00) per annum, the exact amount of which shall be fixed by the judge of the county court and paid in equal monthly installments out of the county treasury on the certificate of the judge of said court.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:11 P. M.

Act No. 38

H. 33—Brewer, Dodd, Turner, Gilchrist

AN ACT

To provide clerical or stenographic assistance to the judges of the Eighth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Each judge of the Eighth Judicial Circuit is hereby authorized to employ such clerical or stenographic assistance as may be necessary to carry out the duties of his office. The salary of each clerk or stenographer employed hereunder by any circuit judge shall be fixed by such judge, subject to the approval of the county governing body of the county in which such judge resides, and shall be paid in equal monthly installments out of the county treasury of such county upon certification by the circuit judge.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:09 P. M.

Act No. 39

H. 34—Brewer

AN ACT

To provide for and prescribe the procedure to be followed in civil actions in which a defendant is a bankrupt or is a person by whom or against whom a petition in bankruptcy is pending.

Be It Enacted by the Legislature of Alabama:

Section 1. In any civil action in any court in this State in which the defendant has been adjudicated a bankrupt, or in which a defendant has filed a petition in bankruptcy, or against whom a petition in bankruptcy has been filed, it shall be the duty of the court in which such civil action is pending to proceed with the trial of such action if leave to do so is granted by the bankruptcy court, and to render judgment in accordance with the law and the evidence in the case, and the court in which such civil action is pending shall also have authority and it shall be its duty to grant such stay of execution against such defendant as may be appropriate or as may be provided for in the order of the bankruptcy court, or to embody in the judgment rendered in such cause such provision as may be appropriate or as may be provided in the order of said bankruptcy court so as to limit the manner of enforcement of said judgment, or so as to limit the property from which such judgment may be collected, or so as to limit the right of the plaintiff to the right to collect said judg-

ment from others or another who may be liable or responsible for such judgment by virtue of a contract or arrangement or relationship with the said defendant.

Section 2. This Act shall be effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 1:17 P. M.

Act No. 40

H. 35—Brewer, Gilchrist

AN ACT

To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit: •

Beginning at a point on the South city limit line of the City of Decatur at the northwest corner of Lot 9, Block "A" Garth Heights Subdivision, thence south along an extension of the existing westernly city limit line of the City of Decatur to a point at the southwest corner of Lot 18 in said Block "A" Garth Heights Subdivision; thence east along the south line of said Lot 18 and the extension thereof to the East line of Danville Road S. W.; thence north along the East line of Danville Road S. W., to the existing City limit line of the City of Decatur at the north line of said Lot 9, Block "A" Garth Heights Subdivision extended across said Danville Road S. W.; thence West along the existing City limit line of the City of Decatur to the point of beginning.

SECTION 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved February 19, 1959.

Time: 1:10 P. M.

Act No. 41

H. 37—Jenkins, Smith (Russell), Hearn, Roberts, Reynolds (Madison), Cornett, McClendon (Chambers), Merrill, Casey, Albea, Copeland, Hanby, Torbert, Turnham, Reynolds (Chambers)

AN ACT

Relating to highways; providing for the designation of State Highway No. 1 from Huntsville to Phenix City and on to Dothan as "The Albert Patterson Highway"; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. State Highway Route No. 1 (U. S. 431) from Huntsville to Phenix City and on to Dothan is hereby named "The Albert Patterson Highway," in honor of the late Albert L. Patterson; and the director of the State Highway Department shall cause said highway route to be so designated and marked.

Section 2. The provisions of the act of September 4, 1951, (Act No. 605, H. 686, Acts 1951, vol. II, p. 1042) in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 19, 1959.

Time: 2:03 P. M.

Act No. 42

H. 38—Callahan, Ferguson

AN ACT

To provide for the appointment and tenure and number, and fixing the compensation, of Bailiffs for Circuit Courts of Alabama in Circuits having two Circuit Judges composed of one County having a population of not less than 94,000 people nor more than 134,000 people according to the last or any subsequent Federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. That for Circuit Courts of Alabama in Circuits composed of one County and having two Circuit Judges each Judge shall have the power and authority to appoint one Bailiff who shall receive a salary of Forty Five Hundred (\$4,500.00) Dollars per annum, and which salary shall be payable in twelve equal monthly installments out of the County Treasury of the County composing such Circuit upon warrant of the presiding officer of the governing body of such County. Each such Bailiff shall serve at the pleasure of the Judge so appointing him. The Bailiffs appointed by such Judges hereunder shall be in lieu of Bailiffs provided by any other law of Alabama.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 4. This Act shall not apply in any county having a population of 134,000 or more people, according to the last or any

subsequent federal decennial census, nor to any county having a population less than 94,000 people according to such census.

Approved February 19, 1959.

Time: 2:02 P. M.

Act No. 43

H. 1—Bailey, Oakley, Faulk, Solomon, Adams (Houston), Thomas, Hankins, Bounds, Lee, McLendon (Bullock), Powell, Steagall, Johnson (Elmore), Johnston, Hanby, Self, Camp, Daniel, Nichols, Smith (Russell), Smith (St. Clair), Reynolds (Chambers), Oden, Cornett, Adams (Tallapoosa), Ashworth, Boyd, Ferguson, Pierce, Hearn, Gross, Cabiness, Harris, Meade, Guthrie, Ray, Grouby, Goodwyn, Turnham, Turner, Bassett, Brooks, Goldthwaite, Glass, Jenkins, Edwards, Hawkins, Merrill, Sessions, Locke, Branyon, Bevill, McClendon (Chambers), Shumate, Rogers, Long (Perry), Salter, Roberts, McCorquodale, Chambers, Hain, Grant, Reynolds (Madison), Taylor, Martin, Franklin, Sullivan, Gordon, Rast, Gilchrist, Rozelle, Ingram, Britton, Jones (Monroe), Jones (Covington), Dodd, Ramey, Casey, Bishop, Brannan, Albea, Nettles, Callahan, Gilmer, Harvey, Morrow, Torbert, Cook, Hardy, Johnson (Tallapoosa), Trimmier, Broadfoot, Long (Lauderdale), Avery, Hocklander, Murphy, Pruitt, Owens, Barnett, Copeland, Dickson and Perry.

AN ACT

To amend Section 656 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to make further provisions respecting the distribution of that portion of the state gasoline excise tax for which distribution is provided for in said section, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 656 of Title 51 of the Code of Alabama of 1940, as heretofore amended, shall be and the same hereby is amended so as to read as follows:

"Section 656—Three-sevenths of the proceeds of the excise tax herein imposed, when collected, shall be covered into the treasury to the credit of the public road and bridge fund and shall be disbursed as follows:

(a) Two-thirds of the said three-sevenths covered into the treasury to the credit of the public road and bridge fund under the provisions of this section (being two-sevenths of the proceeds of the entire excise tax herein imposed) shall be disbursed for the following purposes and in the order hereinafter set out: (1) So much thereof as shall be necessary for such purpose shall be used to pay at their final maturity on March 1, 1959, the principal of and interest on the Public Road, Highway and Bridge Bonds issued under Amendment XXI to the State Constitution (which amendment is sometimes referred to as Article XXA and was ratified by the electors of Alabama at an election held on April 12, 1927); (2) so much thereof thereafter remaining as shall be necessary for such purpose shall be used to pay the principal of and interest on the bonds heretofore issued in accordance with the provisions of the Amendment to the Constitution of Alabama proposed by Act No. 82 adopted by the 1951 Regular Session of the Legislature of Alabama (known as Amendment LXXXVII), authorizing the issuance of bonds in an aggregate principal amount not exceeding \$25,000,000, as the principal of said bonds and interest thereon shall respectively mature; and (3) so much thereof thereafter remaining as shall be necessary for such purpose shall be used to pay the principal of and interest on bonds at any time issued by the public corporation known as Alabama Highway Authority, which has been organized under the provisions of Act No. 43 adopted at the First Special Session of 1955 of the Legislature of Alabama.

(b) Two-ninths of said three-sevenths covered into the treasury to the credit of the public road and bridge fund under the provisions of this section (being two-twenty-firsts of the proceeds of the entire excise tax herein imposed) shall be disbursed to the extent necessary to pay at their respective maturities the principal of and interest on bonds at any time issued by said Alabama Highway Authority.

(c) One-ninth of said three-sevenths covered into the treasury to the credit of the public road and bridge fund under the provisions of this section (being one-twenty-first of the proceeds of the entire excise tax herein imposed) shall be disbursed to the extent necessary to pay at their respective maturities the principal of and interest on bonds issued by said Alabama Highway Authority after March 1, 1959.

(d) Any residue of the tax proceeds referred to in subsections (a), (b) and (c) of this section remaining after provisions shall have been made for the primary obligations referred to in said subsections (a), (b) and (c) may be used by the highway department, with the approval of the Governor, in constructing public roads and bridges within the state as is now or may hereafter be provided by law, and in maintaining the public roads and bridges which have been or may hereafter be constructed by the highway department, in equipping and preparing convicts for use upon the public roads and bridges of this state, for maintenance of such convicts while so at work upon such roads and bridges, for compensating the state for the use of such convicts, and for such other use upon the public roads and bridges of this state as may be authorized by the highway department with the approval of the Governor; provided, however, that the moneys referred to in this subsection (d) shall not be expended contrary to law as it now exists or may be hereafter enacted."

Section 2. This act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved February 19, 1959.

Time: 12:09 P. M.

Act No. 44

H. 2—Bailey, Oakley, Grant, Faulk, Solomon, Adams (Houston), Thomas, Hankins, Bounds, Lee, McLendon (Bullock), Powell, Steagall, Johnson (Hardaway), Johnston (Leonard), Hanby, Self, Camp, Daniel, Nichols, Turnham, Smith (St. Clair), Smith (Russell), Adams (Tallapoosa), Boyd, Reynolds (Chambers), Oden, Cornett, Ashworth, Ferguson, Pierce, Hearn, Gross, Cabiniss, Harris, Meade, Guthrie, Ray, Grouby, Goodwyn, Shumate, Chambers, Turner, Bassett, Brooks, Goldthwaite, Glass, Jenkins, Edwards, Hawkins, Merrill, Sessions, Locke (Jefferson), Branyon, Beville, McLendon (Chambers), Rogers, Long (Perry), Salter, Roberts, Hain, McCorquodale, Reynolds (Madison), Taylor, Martin, Franklin, Sullivan, Gordon, Rast, Gilchrist, Rozelle, Ingram, Britton, Jones (Monroe), Jones (Covington), Dodd, Ramey, Bish-

op, Casey, Brannan, Albea, Nettles, Callahan, Gilmer, Harvey, Morrow, Torbert, Perry, Cook, Hardy, Johnson (Tallapoosa), Trimmier, Broadfoot, Long (Lauderdale), Avery, Hocklander, Murphy, Pruitt, Owens, Barnett, Copeland and Dickson

AN ACT

To amend Section 7 of Act No. 43 adopted at the First Special Session of 1955 of the Legislature of Alabama so as to eliminate certain provisions of said act respecting the priority of pledges that may hereafter be made for the benefit of refunding bonds issued thereunder, so as to limit to \$50,000,000 the principal amount of bonds, other than refunding bonds, which may be issued thereunder, so as to restrict some of the provisions of said act to bonds issued thereunder, and so as to clarify other provisions of said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 43 adopted at the First Special Session of 1955 of the Legislature of Alabama shall be and hereby is amended so that said Section 7 shall read as follows:

"Section 7. Bonds of the Corporation. The bonds of the corporation shall be signed by its president and attested by its secretary, and all interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not of both, of said officers may be imprinted or otherwise reproduced on any such bonds in lieu of their being manually signed, and a facsimile of the president's signature may be imprinted or otherwise reproduced on any such interest coupons in lieu of their being manually signed. The seal of the corporation shall be affixed to such bonds, provided that a facsimile of said seal may be imprinted or otherwise reproduced on any such bonds in lieu of being manually affixed thereon. Any bonds of the corporation may be executed and delivered at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than twenty years after its date. Any bond of the corporation having a specified maturity date more than five years after its date shall be made subject to redemption at the option of the corporation at the end of the fifth year after its date and on any interest payment date thereafter under such terms and conditions as may be provided in the resolution under which such bond is authorized to

be issued. Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation which may be issued under this act shall be limited to \$50,000,000, but the said limitation shall not apply to refunding bonds which may be issued under this act and also shall not apply to bonds of the corporation which may be issued under any other act which may at any time be enacted; provided further, that no bonds shall be issued under this act by the corporation in any instance where the aggregate of the principal thereof and interest thereon maturing during any fiscal year of the State of Alabama, when added to the total principal and interest maturing during the same fiscal year with respect to all bonds of the corporation then outstanding, if any there be (including bonds issued under this act and any other bonds of the corporation), exceeds fifty per centum of the sum of the following, as such sum shall be certified by the Commissioner of Revenue of the State of Alabama: (1) the amount of the funds pledged and appropriated in subsection (A) of Section 9 hereof collected by the State of Alabama during the fiscal year next preceding the fiscal year during which such bonds shall be issued; and (2) in the case of bonds issued during either of the fiscal years ending September 30, 1955, and September 30, 1956, one-ninth of the proceeds of the gasoline excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, collected by the State of Alabama during the fiscal year ending September 30, 1954, or, in the case of bonds issued during any fiscal year ending subsequent to September 30, 1956, two twenty-firsts of the proceeds of the gasoline excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, collected by the State of Alabama during the fiscal year next preceding the fiscal year during which such bonds shall be issued. Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State of Alabama which is customarily published not less than six days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this act. Subject to the provisions and limitations contained in this act, the corporation

may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation, issued under this act and then outstanding. Approval by the Governor of Alabama of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the respective meetings of the board of directors at which the bonds are authorized, and shall be signed by the Governor. Such approval by the Governor may be shown on any such bonds by his facsimile signature when authorization thereof is contained in the said approval signed by him. The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of fiscal agents and attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation under this act shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in Section 9 hereof. As security for the payment of the principal of and interest on any bonds issued by it hereunder the corporation is hereby authorized and empowered to pledge for payment of said principal and interest the funds that are appropriated and pledged in Section 9 hereof for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolutions containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this act shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of the State of Alabama. Bonds issued by the corporation hereunder shall be construed to be negotiable instruments although payable solely from a specified source as herein provided. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the State of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the corporation. Neither a public hearing nor consent by the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of bonds of the corporation."

Section 2. It is the intent of the legislature by the passage of this act to eliminate certain provisions contained in said Act No. 43 respecting the priority of pledges that may hereafter be made

for the benefit of refunding bonds issued under said Act No. 43, to restrict some of the provisions of said Act No. 43 to bonds issued thereunder, and otherwise to clarify the provisions of said Act No. 43. This act does not have the effect of increasing the amount of bonds that may at any time be outstanding under said Act No. 43.

Section 3. This act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved February 19, 1959.

Time: 12:11 P. M.

Act No. 45

H. 3—Callahan, Salter, Smith (Russell), Reynolds (Chambers), Chambers, Oden, Cornett, Adams (Tallapoosa), Ashworth, Boyd, Ferguson, Pierce, Hearn, Gross, Cabiness, Harris, Meade, Guthrie, Ray, Grouby, Hain, Reynolds (Madison), Taylor, Martin, Grant, Franklin, Sullivan, Gordon, Rast, Gilchrist, Rozelle, Ingram, Britton, Jones (Monroe), Jones (Covington), Dodd, Ramey, Bishop, Casey, Brannan, Albea, Nettles, Turnham, McCorquodale, Bailey, Goodwyn, Oakley, Faulk, Solomon, Adams (Houston), Thomas, Hankins, Bounds, Lee, McLendon, Powell, Steagall, Johnson (Elmore), Johnston, Hanby, Self, Smith (St. Clair), Camp, Daniel, Nichols, Roberts, Turner, Bassett, Brooks, Goldthwaite, Glass, Jenkins, Edwards, Hawkins, Merrill, Locke, Sessions, Branyon, Beville, McClendon, Shumate, Rogers, Long (Perry), Gilmer, Harvey, Morrow, Torbert, Cook, Hardy, Johnson (Tallapoosa), Trimmier, Broadfoot, Long (Lauderdale), Avery, Hocklander, Murphy, Pruitt, Owens, Barnett, Copeland, Dickson, Perry

AN ACT

To authorize Alabama Highway Authority to finance, by the issuance of its bonds, the State of Alabama's share of the cost of the construction, reconstruction and improvement of public highways and bridges

in the state with respect to which funds may have heretofore been or may hereafter be apportioned to the state under the provisions of any statute of the United States, said bonds to be in addition to those heretofore authorized to be issued by said Authority; to limit to \$60,000,000 the principal amount of bonds, other than refunding bonds, of said Authority which may be issued under this act; to provide that bonds issued under this act and the income therefrom shall be exempt from taxation, and that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that said bonds may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of said bonds; to make appropriation and pledge of funds necessary to pay the principal of and interest on said bonds; to authorize said Authority to pledge such funds for payment of the principal of and interest on said bonds; and to provide that such principal and interest shall be payable solely from such funds, but that said bonds will nevertheless constitute negotiable instruments.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intention of the Legislature by the passage of this act to authorize Alabama Highway Authority (herein called "the corporation"), which was heretofore incorporated pursuant to the provisions of Act No. 43 adopted at the First Special Session of 1955 of the Legislature of Alabama (herein called "the 1955 Act"), to issue bonds in addition to those heretofore authorized to be issued by it under the 1955 Act for the purpose of providing funds to pay the share of the State of Alabama (herein called "the state") of the cost of the construction, reconstruction, and improvement of public highways and bridges in the state, with respect to which funds may have heretofore or may hereafter be allocated or apportioned to the state under the provisions of any statute of the United States heretofore or hereafter enacted, and thereafter to refund any bonds issued hereunder. This act shall be liberally construed in conformity with the said purpose.

Section 2. Authorization to Issue Bonds and to Make Pledge Therefor. In addition to all powers heretofore conferred on it, the corporation shall have the power, and is hereby authorized and empowered, to borrow money for the purpose of supplying the state's share of the cost of construction, reconstruction and improvement of public highways and bridges in the state with respect to which moneys may have heretofore been or may hereafter be allocated or apportioned to the state under any law of the United States now in effect or hereafter enacted, and in evidence of such borrowing to sell and issue its bonds and to refund any thereof by the issuance of refunding bonds (all such bonds, including refunding bonds, being hereinafter collectively referred to as "the bonds"); provided, that the maximum principal amount of the bonds, other than refunding bonds, which may be issued under the provisions of this Act shall not exceed \$60,000,000. As security for payment of the principal of and the interest on

the bonds, the corporation is authorized to pledge the proceeds of the appropriations and pledges herein provided for.

Section 3. Details Respecting the Bonds. The bonds shall be signed by the president of the corporation and attested by its secretary, and all interest coupons applicable to the bonds shall be signed by the president of the corporation; provided, that a facsimile of the signature of one, but not of both, of said officers may be imprinted or otherwise reproduced on any of the bonds in lieu of their being manually signed and a facsimile of the president's signature may be imprinted or otherwise reproduced on any of the interest coupons in lieu of their being manually signed. The seal of the corporation shall be affixed to the bonds, provided that a facsimile of said seal may be imprinted or otherwise reproduced on any of the bonds in lieu of being manually affixed thereon. The bonds may be executed and delivered by the corporation at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as may be provided by the resolution or resolutions of the board of directors of the corporation whereunder the bonds are authorized to be issued; provided, that none of the bonds shall have a specified maturity date later than twenty years after its date. Any of the bonds having a specified maturity date more than five years after its date shall be made subject to redemption at the option of the corporation at the end of the fifth year after its date and on any interest payment date thereafter under such terms and conditions as may be provided in the resolution under which such bond is authorized to be issued. Any of the bonds may be sold from time to time as said board of directors may deem advantageous; provided, that none of the bonds shall be issued in any instance where the aggregate of the principal thereof and the interest thereon maturing during any fiscal year of the State of Alabama, when added to the total principal and interest maturing during the same fiscal year on all bonds of the corporation then outstanding (including all bonds issued under the 1955 Act and all bonds issued under this act) exceeds fifty per centum (50%) of the sum of those portions of the state gasoline excise tax pledged and appropriated in Section 5 of this act which were collected by the State of Alabama during the fiscal year next preceding the fiscal year during which the bonds proposed to be issued shall be issued, as said sum shall be certified by the Commissioner of Revenue of Alabama. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be given by publication in

either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State of Alabama which is customarily published not less often than six days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this act. Subject to the provisions and limitations contained in this act, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation issued under this act and then outstanding. Approval by the Governor of Alabama of the terms and conditions under which any of the bonds may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the respective meetings of the board of directors at which any of the bonds are authorized, and shall be signed by the Governor. Such approval by the Governor may be shown on any of the bonds by his facsimile signature when authorization thereof is contained in the said approval signed by him. The corporation may pay out of the proceeds from the sale of any of the bonds all expenses, including fees of fiscal agents and attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. The bonds shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in Section 5. hereof. As security for the payment of the principal of and interest on any bonds issued by it under this act, the corporation is hereby authorized and empowered to pledge for payment of said principal and interest the funds that are appropriated and pledged in Section 5 hereof for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolutions containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this act shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of the State of Alabama. The bonds shall be construed to be negotiable instruments although payable solely from a specified source as herein provided. The bonds and the income therefrom shall be exempt from all taxation in the State of Alabama. Any of the bonds may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, ad-

ministrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in any of the bonds. Neither a public hearing nor consent by the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds by the corporation.

Section 4. Proceeds of Bonds. The proceeds of the bonds issued under the provisions of this act, other than refunding bonds, remaining after paying the expenses of their issuance, shall be turned into the state treasury, shall be carried in the public road and bridge fund, and shall be subject to be drawn on by the corporation, upon the approval of the State Highway Department and the Governor, but only for the purpose of paying the state's share of the cost of the construction, reconstruction and improvement of public highways and bridges in the state (including the acquisition of property necessary for such construction, reconstruction and improvement) with respect to which moneys may have heretofore been or may hereafter be allocated or apportioned to the state under the provisions of any law of the United States now in effect or hereafter enacted; provided, however, that if such action shall be necessary to comply with any federal legislation relating to federal aid in highway and bridge construction, the corporation may authorize the State Highway Department to expend directly any portion of such proceeds for payment of the state's share of any such construction, reconstruction and improvement. The proceeds from the sale of all refunding bonds issued by the corporation under this act remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of bonds of the corporation theretofore issued under this act and then outstanding and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded. The provisions of the 1955 Act with respect to highway and bridge construction, the letting and approval of contracts therefor, the supervision of construction work, the making of rules and regulations for protection of public ways and of the traveling public shall apply to the highways and bridges constructed, reconstructed and improved out of the proceeds from the bonds; provided, however, that said provisions shall so apply only to the extent that they are not in conflict with any federal legislation, regulation, or requirement relating to federal aid in highway and bridge construction.

Section 5. Revenues of the Corporation. For the purpose of providing funds to enable the corporation to pay the principal of and interest on the bonds which may be issued by it under the provisions of this act, and to accomplish the purposes and objects of its creation, there hereby are irrevocably pledged to such purpose and appropriated so much as may be necessary for such

purpose of the following: (A) the residue of the receipts collected by the state from the Gasoline Excise Tax originally levied by Act No. 5 adopted at the 1927 Session of the Legislature of Alabama and approved January 25, 1927 (being a portion of the tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, and being that part of said tax referred to in subsection (a) of Section 656 of Title 51 of the Code of Alabama of 1940, as amended), after there shall have been taken therefrom the amount necessary for the purposes specified in clauses (1), (2) and (3) of subsection (a) of said Section 656, as amended; (B) the residue of the revenues collected by the state from that portion of the gasoline excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, that is referred to in subsection (b) of said Section 656, as amended, after there shall have been taken therefrom the amount necessary to pay the principal of and interest on bonds of the corporation heretofore issued under the 1955 Act, as said principal and interest shall respectively mature; and (C) the revenues collected by the state from that portion of the gasoline excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, that is referred to in subsection (c) of said Section 656, as amended. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds.

Section 6. State Treasurer to Disburse Funds. Out of the revenues appropriated and pledged in Section 5 hereof, the State Treasurer is authorized and directed to pay the principal of and interest on the bonds, as such principal and interest shall respectively mature, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 7. Severability Clause. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this act, which shall continue effective.

Section 8. Effective Date. This act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

Approved February 19, 1959.
Time: 12:13 P. M.

Act No. 46

H. 68—Roberts, Reynolds (Madison)

AN ACT

To propose an amendment to the Constitution of Alabama authorizing and providing for the levy and collection of a special property tax for public school purposes in school district No. 1 of Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become effective as a part of the Constitution when approved and proclaimed as provided by law:

Proposed Amendment

"In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, a special tax of five mills on each dollar's worth of taxable property situated in school district No. 1, of Madison County, is hereby authorized, the proceeds of which shall be used exclusively for public school purposes within the said district.

"If in the election on this amendment the amendment receives the favorable vote of a majority of the qualified electors of the district who vote hereon, a special tax of five mills shall be collected in the district, as other special school district taxes are collected, for the tax year ending September 30, 1959, and for each succeeding tax year thereafter until the tax is repealed as herein provided.

"If in the election on this amendment a majority of the qualified electors of the district who vote hereon vote against the amendment, the special tax hereby authorized may be levied only if the question of levying the tax, and the purpose thereof, shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of the electors participating in the election. The election shall be called, held, conducted, and governed by the applicable provisions of Article 7, Chapter 10, Title 52, Code of Alabama (1940), which governs elections on special school district taxes; and the tax hereby authorized shall be levied and collected in the district as other special school district taxes are levied and collected. If the proposal to levy the tax is defeated in any such election, it may not again be submitted to a vote for one year, but after the expiration of one year, and at intervals of at least one year thereafter, such proposal may be resubmitted to the qualified electors of the district.

"After the special tax authorized hereby has been levied, the court of county commissioners, board of revenue or like governing body of Madison County, upon receipt of a petition signed by not less than twenty per cent of the qualified electors who reside in the district, must call an election at which the question of the repeal of the tax, upon payment of all obligations then outstanding, if any, shall be submitted to the qualified electors of the district. Should a majority of the qualified electors participating in this election vote for the repeal of the tax, it shall cease immediately upon the payment in full of all outstanding pledges, if any, against it. Should a majority of the electors participating in

the election vote against repeal, the question of repeal may not again be submitted to a vote for one year; but after the expiration of one year, and at intervals of at least one year thereafter, upon receipt of a petition signed by not less than twenty per cent of the qualified electors residing within the district, the county governing body may order the question of repeal of the tax re-submitted to the qualified electors of the district.

"The elections provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided by Article 7, Chapter 10, Title 52, Code of Alabama (1940), for an election on the special district school taxes authorized by Amendment III to the Constitution of Alabama. The collection of the tax shall also be governed by the applicable provisions of Article 7, Chapter 10, Title 52, Code of Alabama (1940), and the proceeds shall be used exclusively for public school purposes within the district.

"This amendment shall be self-executing."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the first statewide primary, general, or special election held after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Passed the House February 17, 1959.

Amended and passed by the Senate February 20, 1959.

Senate amendment concurred in and repassed by the House February 20, 1959.

Filed in the office of the Secretary of State February 20, 1959.

Act No. 47

S. J. R. 2—deGraffenried

SENATE JOINT RESOLUTION

WHEREAS, in recent years the trend of the Federal Government has been to encroach upon activities of government which were reserved to the several states by the Constitution of the United States of America, and

WHEREAS, this encroachment upon the rights of the several states has caused the states to be powerless to act or regulate in any field where the Federal Congress has enacted legislation, and

WHEREAS, this has seriously hampered the several states in protecting themselves from internal subversion, in regulating the learned professions and commercial enterprises within their boundaries, and

WHEREAS, if the present trend is continued, the several states will be rendered mere political subdivisions of the Federal Government for the purpose of convenient administration of Federal laws, and

WHEREAS, the doctrine of dual powers—with neither the Federal Government nor the states encroaching upon the constitutional and historically recognized rights of the other—is the genius and identifying feature of the American political system; now, therefore,

BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring; that the Legislature of Alabama does hereby memorialize and make application to the Congress of the United States of America to call a convention, as provided by Article V of the Constitution of the United States of America, to consider submitting to the Legislature of the several states for their ratification an amendment to the Constitution in substantially the following form:

“No Statute of any of the several states shall be held to be invalid as in conflict with any Federal Statute, unless such Federal Statute expressly provides that such Statutes of the several states in conflict therewith are invalid.”

Be It further Resolved that copies of this resolution be transmitted to each member of the Alabama delegation in the Congress of the United States of America to be filed and presented by said delegation to the Congress, and that copies of this resolution be transmitted by the Secretary of State of Alabama to the Clerk of the House of Representatives of the United States Congress and to the Secretary of the Senate of the United States Congress.

Approved February 24, 1959.

Time: 9:45 A. M.

Act No. 48

S. J. R. 5—Haltom and Dumas

SENATE JOINT RESOLUTION

To designate and name certain parts of Alabama Highway No. 20 as the General John Coffee Road and authorizing the Highway

Department to permit the erection of an appropriate marker or markers thereon.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE OF REPRESENTATIVES AND THE SENATE CONCURRING:

1. Alabama Highway No. 20, from the intersection of said highway with United States Highway No. 72 immediately north of the O'Neal Bridge in Lauderdale County to the intersection of the Waterloo Road, be and the same hereby is named and designated and shall hereafter be known as the "General John Coffee Road", in recognition of General John Coffee's contribution to the history of the State of Alabama as Surveyor General and as early settler in the Tennessee Valley.

2. The Highway Department is authorized to permit the erection of an appropriate marker or markers along the above-described Alabama Highway No. 20 indicating that such highway is the "General John Coffee Road".

Approved February 24, 1959.

Time: 9:46 A. M.

Act No. 49

S. 4—Haltom, Cooper, deGraffenried

AN ACT

To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases where there has heretofore been an attempt to organize the inhabitants of any territory as a municipal corporation under the provisions of Article 1 of Chapter 2 of Title 37 of the Code of Alabama of 1940, and the judge of probate of the county in which such territory is situated has made an order that the inhabitants of such territory are incorporated as a town or city, as the case may be, pursuant to Section 13 of Title 37 of said Code, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the incorporation of any municipality so attempted to be organized, and with respect to which such order has been made, shall be and is hereby validated ab initio in accordance with the description of the territory attempted to be incorporated as the said description is contained in such order, or, if the description of the territory attempted to be incorporated is not contained in such order, in accordance with the description of said territory contained in the petition of the electors filed with said judge of probate, notwithstanding any failure to comply with the requirements re-

specting the signatures to or contents of the petition for incorporation, any irregularities as to publication or posting, or any other failure to comply with the procedures set forth in the said article or otherwise required by law; provided, that this Act shall not apply to the incorporation of any municipality held invalid by a court of competent jurisdiction by judgment entered prior to the effective date of this Act, or to the incorporation of any municipality the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.
Time: 10:35 A. M.

Act No. 50

S. 6—Dumas

AN ACT

To authorize the several counties of the State to expend the fees, excises, or license taxes referred to in Amendment 93 of the Constitution of Alabama 1901; giving the Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The several counties of the State are hereby authorized to expend the funds derived from fees, excises, or licenses taxes, levied by the State, relating to the registration, operation, or use of motor vehicles upon the public highways, and also the money derived from any fees, excises, or license taxes, levied by the State, relating to fuels used for propelling such vehicles, for the cost of constructing, reconstructing, maintaining, and repairing of public roads and bridges.

Section 2. It is the intention of the Legislature by the passage of this Act to implement the provisions of Amendment 93 to the Constitution of Alabama 1901.

Section 3. The provisions of this Act are retroactive.

Approved February 24, 1959.
Time: 10:20 A. M.

Act No. 51

S. 7—Dumas, Gaither, Archer,
Cooper, deGraffenried
and Leonard

AN ACT

To authorize the governing body of each county to expend the proceeds of the state gasoline tax levied by Title 51, Section 647, Alabama

Code of 1940, as amended, distributed to such county pursuant to Title 51, Sections 655 and 657, Alabama Code of 1940, as amended, for construction and maintenance of streets within the corporate limits of any municipality within such county.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners, Board of Revenue, County Commission, or other governing body of each of the Counties, is hereby authorized to use or expend the proceeds of the state gasoline tax levied by Title 51, Section 647, Alabama Code of 1940, as amended, distributed to such County pursuant to Title 51, Sections 655 and 657, Alabama Code of 1940, as amended, for the construction and maintenance of streets within the corporate limits of any municipality located within such county, anything in Title 51, Sections 646 to 665, Alabama Code of 1940, as amended, to the contrary notwithstanding.

Section 2. That the Court of County Commissioners, Board of Revenue, County Commission, or other governing body of each of the counties, is hereby authorized to use or expend the state gasoline tax proceeds referred to in Section 1 hereof for the construction, reconstruction, maintenance and repair of public highways and traffic control areas located on public school property or state school property within such county.

Section 3. If any section, sentence, clause or provision of this Act shall be held illegal or invalid by a court of competent jurisdiction, the remaining sections, sentences, provisions and clauses shall nevertheless remain in effect and be construed as if such illegal or invalid section, sentence, clause or provision had not been included herein.

Section 4. This Act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 10:30 A. M.

Act No. 52

S. 14—Cooper

AN ACT

To regulate further payment of compensation to deputy sheriffs by Wilcox County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the compensation of deputy sheriffs from the county public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It being the duty of the chief deputy sheriff and other deputy sheriffs of Wilcox County to enforce state traffic and motor vehicle laws, the court of county commissioners, board

of revenue, or other like governing body of said county may, in its discretion, provide for payment of the compensation of the chief deputy sheriff of the county and any other deputy sheriffs whose compensation is paid by the county according to law, in whole or in part, from the county public highway and traffic fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 10:02 A. M.

Act No. 53

S. 15—Cooper

AN ACT

Regulating further the times and places of registering voters by the Board of Registrars of Wilcox County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Registrars of Wilcox County shall meet at the courthouse of the county on thirty separate and several days between the first day of October and the thirty-first day of December 1959, and every two years thereafter, to register persons entitled to register to vote; and after the date of this enactment the board shall not visit the several precincts of the county to register persons pursuant to Section 26 of Title 17, Code of Alabama 1940, as amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 10:01 A. M.

Act No. 54

S. 18—Givhan, Graham, Golson, Webb, Wilson, Hines, Berryman, Farmer, Turner, Haltom, Godfrey, Roberts, Leonard, Eddins, Clark, Shelton, Andrews, deGraffenried, Cooper, Caffey, Porter, Barnett, Archer, Dumas,

Woodall, G a i t h e r , Crawford,
Rutledge, Word

AN ACT

To amend further Section 31 of Title 17, Code of Alabama 1940, relating to examinations of applicants to register.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31, Title 17, Code of Alabama 1940, as amended by Act No. 754, Acts of 1953, is amended further to read as follows:

“Section 31. The board of registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants. In order to aid the registrars to judicially determine if applicants to register have the qualifications to register to vote, each applicant shall be furnished by the board a written questionnaire, which shall be uniform in all cases with no discrimination as between applicants, the form and contents of which questionnaire shall be prescribed by the Supreme Court of Alabama and be filed by such court with the Secretary of State of the State of Alabama. The questionnaire shall be so worded that the answers thereto will place before the registrars information necessary or proper to aid them to pass upon the qualifications of each applicant. The questionnaire shall be answered in writing by the applicant, in the presence of the board without assistance. There shall be incorporated in such answer an oath to support and defend the constitution of the United States and the constitution of the State of Alabama and a statement in such oath by the applicant disavowing belief in affiliation at any time with any group or party which advocated the overthrow of the government of the United States or the state of Alabama by unlawful means. The answers and oath shall be duly signed and sworn to by the applicant before a member of the board. If solely because of physical handicaps the applicant is unable to read or write, then he shall be exempt from the above stated requirements which he is unable to meet because of such physical handicap, and in such cases a member of the board shall read to the applicant the questionnaire and oath herein provided for and the applicant's answers thereto shall be written down by such board member; and the applicant shall be registered as a voter if he meets all other requirements herein set out. Each member of the board is authorized to administer the oaths to be taken by applicants and witnesses. The questionnaires and written answers of persons applying for registration shall not become public records as public records are defined under the laws of the state of Alabama, nor shall the board disclose the information contained in such questionnaires and written answers, except with the written con-

sent of the person who filed the answer or pursuant to the order of a court of competent jurisdiction in a proper proceeding. Such questionnaires and the answers of applicants shall be preserved by the board for a period of thirty days, after denial after which, if no appeal has been taken as provided in section thirty-five of this title, they shall be kept with the records of the board of registrars or disposed of in such manner as the board may direct."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 10:15 A. M.

Act No. 55

H. 40—Bounds, McCorquodale

AN ACT

To alter or rearrange the boundary lines of the City of Thomasville, Alabama, so as to include in the corporate limits of said town certain territory not now included, and to exclude from the City of Thomasville, Alabama, certain territory now included in the corporate limits of said town.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Thomasville, in the County of Clarke, State of Alabama, be and the same are hereby altered and rearranged so as to exclude from the corporate limits of said town all of the territory not embraced within the boundaries hereinafter set out, and to include within the corporate limits of said town all of the territory lying within the County of Clarke, included within the boundaries herein set out, to-wit: Begin at the Northeast corner of Section 11, Township 11 North, Range 3 East; thence West, to the Northwest corner of the Northeast Quarter of Section 10, Township 11 North, Range 3 East; thence South, to the center of said Section 10; thence West, to the Northwest corner of Southwest Quarter of said Section 10; thence South to the Southwest corner of said Section 10; thence East to the Northwest corner of Northeast Quarter of Section 15, Township 11 North, Range 3 East; thence South 300 yards; thence East to the East margin of the old Grove Hill-Choctaw Corner public road; thence Southerly, along the East boundary of said road to the South line of Section 22, Township 11 North, Range 3 East; thence East to the Northwest corner of Section 26, Township 11 North, Range 3 East; thence South to the Southwest corner of Northwest Quarter of Southwest Quarter of Section 2, Township 10 North, Range 3 East; thence East to the Southeast corner of Northeast Quarter of Southwest Quarter of said Section 2; thence North to the Northeast corner of Southeast Quarter of Southwest

Quarter of Section 26, Township 11 North, Range 3 East; thence East to the Southeast corner of Northeast Quarter of Southwest Quarter of Section 25, Township 11 North, Range 3 East; thence North to the North line of said Section 25; thence East to the Southeast corner of Section 24, Township 11 North, Range 3 East; thence North to the Northeast corner of Southeast Quarter of said Section 24; thence West to the center of said Section 24; thence North to the North line of said Section 24; thence West to the Northwest corner of Northeast Quarter of Northwest Quarter of said Section 24; thence North to the North line of Section 13, Township 11 North, Range 3 East; thence West to the Northwest corner of said Section 13; thence North to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:50 A. M.

Act No. 56

H. 41—Jones (Covington)

AN ACT

To amend Section 1 of the act approved September 4, 1951 authorizing the circuit clerk of Covington County, Alabama, to employ and prescribe the duties of a secretarial assistant (Act No. 621, H. 1059, Acts 1950-1951, Vol. II, P. 1074).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of the act approved September 4, 1951 authorizing the circuit clerk of Covington County, Alabama, to employ and prescribe the duties of a secretarial assistant (Act No. 621, H. 1059, 1950-1951 Acts, Vol. II, p. 1074) is hereby amended to read as follows:

"Section 1. The circuit clerk of Covington County, Alabama, is hereby authorized to employ a secretarial assistant at an annual salary of not less than two thousand four hundred dollars nor more than three thousand six hundred dollars, such salary to be fixed by order of the board of revenue, court of county commissioners, or like governing body of Covington County."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 10:00 A. M.

Act No. 57

H. 44—Taylor, Glass

AN ACT

To amend Section 5 of Act No. 183 (House Bill No. 558) of Local Acts of the Legislature of Alabama, 1945, approved June 23, 1945, so as to provide an allowance of \$75.00 per month for the members of the commissioners court of said county for expenses incurred in the supervision of roads in their districts.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5 of Act No. 183 (H. B. No. 558), Local Acts of 1945, page 99, be amended so as to read as follows:

Section 5. That the commissioners elected under the provisions of this act shall be charged with the duty and responsibility of supervising the roads in their respective districts, and for such services they shall be paid from the County Gasoline Tax Fund a salary of \$75.00 per month, and an allowance of \$75.00 per month for expenses incurred in supervising said roads. In addition thereto, they shall be paid from the County General Fund an allowance of \$4.00 per day for attendance on the sessions of the court, and travel expense of 5c per mile to and from their places of residence.

Section 2. This act shall become effective on its passage and approval by the Governor.

Approved February 24, 1959.

Time: 9:51 A. M.

Act No. 58

H. 45—Turner

AN ACT

To permit any state bank in Limestone County to establish one or more branches, or additional offices or places of business, for the receipt of deposits, payment of checks, lending of money, and doing a general banking business, subject to the approval of the State Superintendent of Banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any state bank situated in Limestone County, Alabama, may establish, maintain, and operate within the limits of Limestone County one or more branches, or additional offices or places of business, for the receipt of deposits, payment of checks, lending of money, and the doing of a general banking business, provided that such bank before the establishment of any such branch, or additional office or place of business, shall first secure the written consent thereto of the Superintendent of Banks of the State of Alabama.

Section 2. The provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:48 A. M.

Act No. 59

H. 46—Turner

AN ACT

Providing further for the construction and operation of public schools in Limestone County; authorizing the county board of education and the board of education of the City of Athens jointly to maintain certain existing schools and to construct an additional school building or buildings within the limits of the City of Athens to be operated and administered as a part of the county school system.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Limestone County and the board of education of the City of Athens are hereby authorized to pool their funds and financial resources in order to maintain existing public schools for Negroes in the City of Athens and to construct an additional school building or buildings for Negro pupils within the limits of the city. The county board of education shall maintain control of the administration of these schools and shall at all times make them available to the Negro children residing within the boundaries of the City of Athens. The contributions of the city board of education of school funds for such county administered schools shall be in proportion to the number or city resident pupils attending the schools.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:49 A. M.

Act No. 60

H. 47—Roberts, Reynolds (Madison)

AN ACT

To alter, rearrange, and extend the boundaries of the City of Huntsville in Madison County, providing for a referendum election to determine whether the Act will become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Huntsville in Madison County are hereby altered, rearranged and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

All that part of Sections 10, 11, 12, and 15, Township 3 South, Range 1 West, Madison County, Alabama; particularly described as beginning at the center of Section 15, Township 3 South, Range 1 West; said place of beginning is further described as being located on the North boundary of present city limits of the City of Huntsville, Alabama; thence North from the place of beginning 5,280.0 feet to the center of Section 10, Township 3 South, Range 1 West; thence East 13,200 feet to the center of the East boundary of Section 12, Township 3 South, Range 1 West; thence South 1,320.0 feet to the center of the East boundary of the Southeast Quarter of Section 12, Township 3 South, Range 1 West; thence West 2,640.0 feet to the center of the West boundary of the Southeast Quarter of Section 12, Township 3 South, Range 1 East; thence South 1,320.0 feet to the center of the South boundary of Section 12, Township 3 South, Range 1 West; which point is the Northeast corner of the present corporate boundary of the City of Huntsville; thence West 7,920.0 feet to the Northwest corner of Section 14, Township 3 South, Range 1 West; thence South 2,640.0 feet to the center of the West boundary of Section 14, Township 3 South, Range 1 West; thence West 2,640.0 feet to the place of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. (a) The substantial provisions of this Act shall become effective only if the Act is approved by a majority of the qualified electors of Madison County who reside within the territory described herein which is outside the present corporate limits of the City of Huntsville, voting at a referendum election. The election shall be held on the first Tuesday after the expiration of thirty days from the date of this enactment.

(b) Notice of the election shall be given by the sheriff of Madison County, and such notice shall be published one time in a newspaper having a general circulation in Madison County at least ten days prior to the date of the election. The notice shall

state the date on which the election is to be held, the voting place or places designated by the Board of County Commissioners of Madison County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the particular territory annexed to the City by this Act; and the notice must state that a map of the territory to be affected is on file in the office of the judge of probate of said county, open to inspection by the public. It shall be sufficient if such notice is in substance as follows: "Notice is hereby given that, pursuant to Act No. (giving number of this Act and date of enactment), an election will be held on Tuesday, the day of, 195..., during the hours between 8:00 A. M. and 6:00 P. M., in the unincorporated territory described in Section 1 of said Act No. and in a map on file in the office of the judge of probate of Madison County, for the purpose of submitting to the qualified electors residing in such unincorporated territory the question of approval or disapproval of such Act.

"Notice is also given that there have been designated and appointed as voting places, and as officers to serve at such voting places, the following: (Here describe the locations of the designated places of voting and list the names of the election officials appointed for each place)."

(c) The Board of County Commissioners of Madison County may designate as many places within the particular territory to be annexed to the city as they may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places; and the appointing board, consisting of the judge of probate, sheriff and circuit clerk of Madison County, as provided by law, shall appoint an inspector, a chief clerk, and two assistant clerks for each voting machine to be used at the election.

(d) Each qualified voter who has resided within the boundaries of the territory to be annexed to the city for three months next preceding the election may vote at the election, but he must vote at the voting place designated by the Board of County Commissioners for voters in the territory in which he resides and in no other place. The Board of Registrars shall prepare or cause to be prepared a list of qualified electors who are entitled to vote at the election.

(e) The election must be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as modified by the provisions of this Act.

(f) The probate judge of Madison County shall cause to be installed voting machines at the designated voting places, and have prepared for the election all election supplies, including the ballot labels and the costs of these supplies shall be paid by the City of Huntsville. The question to be printed on the ballot labels

shall be substantially stated as follows: "Do you favor annexation to the City of Huntsville in accordance with the provisions of Act No. _____, approved _____, 195____? Yes () No ()."

(g) The inspectors at the several voting places must, as soon as the polls are closed, ascertain and certify the results of the election to the judge of probate, and the judge must canvass the returns as made. If a majority of the votes cast are "Yes," this Act shall become operative as of September 30, 1959; if a majority are "No," this Act shall have no further effect. The probate judge of Madison County shall certify the results of the election to the Secretary of State and to the governing body of the City of Huntsville within thirty days from the date of the election, and he shall keep on file in his office a copy of such certificate.

(h) The probate judge of Madison County shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, all of which shall be paid by the City of Huntsville.

Approved February 24, 1959.

Time: 10:03 A. M.

Act No. 61

H. 48—Roberts, Reynolds (Madison)

AN ACT

To alter, rearrange, and extend the boundaries of the City of Huntsville in Madison County, providing for a referendum election to determine whether the Act will become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Huntsville in Madison County are hereby altered, rearranged and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

All that part of Sections 8, 9, 16, 17, 20 and 21, Township 4 South, Range 1 East, Madison County, Alabama; particularly described as beginning at the center of the Southwest Quarter of Section 20, Township 4 South, Range 1 East; said place of beginning is further described as being the Southeast corner of the present corporate boundary of the City of Huntsville, Alabama; thence North from the place of beginning 12,540 feet to the center of the West boundary of the Southeast Quarter of the Northwest Quarter of Section 8, Township 4 South, Range 1 East; thence

East 2,640 feet to the center of the East boundary of the Southwest Quarter of the Northeast Quarter of Section 8, Township 4 South, Range 1 East; thence North 660.0 feet to the center of the Northeast Quarter of Section 8, Township 4 South, Range 1, East; thence East 1,320 feet to the center of the East boundary of the Northeast Quarter of Section 8, Township 4 South, Range 1 East; thence South 2,640 feet to the center of the East boundary of the Southeast Quarter of Section 8; thence East 2,640 feet to the center of the East boundary of the Southwest Quarter of Section 9, Township 4 South, Range 1 East; thence South 5,280 feet to the center of the East boundary of the Southwest Quarter of Section 16, Township 4 South, Range 1 East; thence East 1,320 feet to the center of the Southeast Quarter of Section 16, Township 4 South, Range 1 East; thence South 1,320 feet to the center of the South boundary of the Southeast Quarter of Section 16, Township 4 South, Range 1 East; thence West 2,640 feet to the center of the North boundary of the Northwest Quarter of Section 21, Township 4 South, Range 1 East; thence South 2,640 feet to the center of the South boundary of the Northwest Quarter of Section 21, Township 4 South, Range 1 East; thence West 1,320 feet to the center of the West boundary of Section 21, Township 4 South, Range 1 East; thence South 1,320.0 feet to the center of the East boundary of the Southeast Quarter of Section 20, Township 4 South, Range 1 East; thence West 3,960 feet to the place of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. (a) The substantial provisions of this Act shall become effective only if the Act is approved by a majority of the qualified electors of Madison County who reside within the territory described herein which is outside the present corporate limits of the City of Huntsville, voting at a referendum election. The election shall be held on the first Tuesday after the expiration of thirty days from the date of this enactment.

(b) Notice of the election shall be given by the sheriff of Madison County, and such notice shall be published one time in a newspaper having a general circulation in Madison County at least ten days prior to the date of the election. The notice shall state the date on which the election is to be held, the voting place or places designated by the Board of County Commissioners of Madison County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the particular territory annexed to the City by this Act; and the notice must state that a map of the territory to be affected is on file in the office of the judge of probate of said county, open to inspection by the public. It shall be sufficient if such notice is in substance as follows: "Notice is hereby given that, pursuant to Act No. (giving number of this Act and date of enactment),

an election will be held on Tuesday, the _____ day of _____, 195____, during the hours between 8:00 A.M. and 6:00 P.M., in the unincorporated territory described in Section 1 of said Act No. _____ and in a map on file in the office of the judge of probate of Madison County, for the purpose of submitting to the qualified electors residing in such unincorporated territory the question of approval or disapproval of such Act.

"Notice is also given that there have been designated and appointed as voting places, and as officers to serve at such voting places, the following: (Here describe the locations of the designated places of voting and list the names of the election officials appointed for such place)."

(c) The Board of County Commissioners of Madison County may designate as many places within the particular territory to be annexed to the city as they may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places; and the appointing board, consisting of the judge of probate, sheriff and circuit clerk of Madison County, as provided by law, shall appoint an inspector, a chief clerk, and two assistant clerks for each voting machine to be used at the election.

(d) Each qualified voter who has resided within the boundaries of the territory to be annexed to the city for three months next preceding the election may vote at the election, but he must vote at the voting place designated by the Board of County Commissioners for voters in the territory in which he resides and in no other place. The Board of Registrars shall prepare or cause to be prepared a list of qualified electors who are entitled to vote at the election.

(e) The election must be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as modified by the provisions of this Act.

(f) The probate judge of Madison County shall cause to be installed voting machines at the designated voting places, and have prepared for the election all election supplies, including the ballot labels and the costs of these supplies shall be paid by the City of Huntsville. The question to be printed on the ballot labels shall be substantially stated as follows: "Do you favor annexation to the City of Huntsville in accordance with the provisions of Act No. _____, approved _____, 195____? Yes () No ()."

(g) The inspectors at the several voting places must, as soon as the polls are closed, ascertain and certify the results of the election to the judge of probate, and the judge must canvass the returns as made. If a majority of the votes cast are "Yes," this Act shall become operative as of September 30, 1959; if a majority are "No," this Act shall have no further effect. The probate judge

of Madison County shall certify the results of the election to the Secretary of State and to the governing body of the City of Huntsville within thirty days from the date of the election, and he shall keep on file in his office a copy of such certificate.

(h) The probate judge of Madison County shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, all of which shall be paid by the City of Huntsville.

Approved February 24, 1959.

Time: 10:04 A. M.

Act No. 62

H. 49—Roberts, Reynolds (Madison)

AN ACT

To alter, rearrange, and extend the boundaries of the City of Huntsville in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Huntsville in Madison County are hereby altered, rearranged, and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

All that part of the Southwest Quarter of Section 19, Township 4 South, Range 1 East, Madison County, Alabama: particularly described as beginning at a point on the West margin of Whitesburg Drive which point is located North 89 degrees 30 minutes West 754.16 feet from the center of Section 19, Township 4 South, Range 1 East; said place of beginning is further described as being located on the South boundary of the present corporate boundary of the City of Huntsville; thence from the place of beginning North 89 degrees 30 minutes West 1541.1 feet to a point on the West boundary of the City of Huntsville's Fleming School site tract; thence South 15 degrees 20 minutes East along the West margin of said school tract 1336.0 feet to the Southwest corner of said school tract; thence South 88 degrees 22 minutes East along the South margin of said school tract 1098.67 feet; thence North 4 degrees 58 minutes West along the East margin of said school tract 843.20 feet; thence South 88 degrees 22 minutes East 201.33 feet to a point on the West boundary of Whitesburg Drive; thence North 4 degrees 58 minutes West 442.62 feet to the place of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 10:05 A. M.

Act No. 63

H. 50—Roberts, Reynolds (Madison)

AN ACT

To alter, rearrange, and extend the boundaries of the City of Huntsville in Madison County, providing for a referendum election to determine whether the Act will become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Huntsville in Madison County are hereby altered, rearranged and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

All that part of Sections 19, 30, 31 and 32, Township 4 South, Range 1 East, Sections 23, 24, 25 and 26, Township 4 South, Range 1 West; Sections 5, 6, 7, 8, 17, 18, 19 and 20, Township 5 South, Range 1 East; Sections 12, 13 and 24, Township 5 South, Range 1 West, Madison County, Alabama; particularly described as beginning at the center of the West boundary of Section 23, Township 4 South, Range 1 West; thence South 5280.0 feet to the center of the West boundary of Section 26, Township 4 South, Range 1 West; thence East 2640.0 feet to the center of Section 26, Township 4 South, Range 1 West; thence South 1320.0 feet to the center of the West boundary of the Southeast Quarter of Section 26, Township 4 South, Range 1 West; thence East 2640.0 feet to the center of the East boundary of the Southeast Quarter of Section 26, Township 4 South, Range 1 West; thence North 1320.0 feet to the center of the East boundary of Section 26, Township 4 South, Range 1 West; thence East 1320.0 feet to the center of the South boundary of the Northwest Quarter of Section 25; Township 4 South, Range 1 West; thence North 1320.0 feet to the center of the Northwest Quarter of Section 25, Township 4 South, Range 1 West; thence East 1980.0 feet to the center of the South boundary of the Northwest Quarter of the Northeast Quarter of Section 25, Township 4 South, Range 1 West; thence South 2640.0 feet to the center of the South boundary of the Northwest Quarter of the Southeast Quarter of Section 25, Township 4 South, Range 1 West; thence East 660.0 feet to the center of the Southeast Quarter of Section 25, Township 4 South, Range 1 West;

thence South 1320.0 feet to the center of the South boundary of the Southeast Quarter of Section 25, Township 4 South, Range 1 West; thence East 1320.0 feet to the Southeast corner of Section 25; Township 4 South, Range 1 West; thence South 11,880 feet to the center of the East boundary of the Northeast Quarter of Section 12, Township 5 South, Range 1 West; thence West 3550 feet to a point on the East boundary of Redstone Arsenal; thence along the East boundary of said Redstone Arsenal as follows: South 19 degrees 0 minutes East 1775.0 feet to a point on the South boundary of the Northwest Quarter of Section 12, Township 5 South, Range 1 West; thence South 17 degrees 45 minutes West 2700.0 feet to a point on the South boundary of the Southwest Quarter of Section 12, Township 5 South, Range 1 West; thence South 4650.0 feet; thence South 73 degrees East 1980.0 feet to a point on the North boundary of Section 24, Township 5 South, Range 1 West; thence West 1050.0 feet to the center of the North boundary of Section 24, Township 5 South, Range 1 West; thence South 660.0 feet; thence East and leaving the Redstone Arsenal boundary line 3960.0 feet to the center of the East boundary of the Northwest Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 1 East; thence South 1320.0 feet to the center of the East boundary of the Southwest Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 1 East; thence East 1320.0 feet to the center of the East boundary of the Southeast Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 1 East; thence South 1980.0 feet to the center of the West boundary of the Southeast Quarter of Section 19, Township 5 South, Range 1 East; thence East 2640.0 feet to the center of the East boundary of the Southeast Quarter of Section 19, Township 5 South, Range 1 East; thence North 2227.0 feet to a point on the North margin of the Louisville & Nashville spur track; thence North 87 degrees 10 minutes West along the North margin of said Louisville & Nashville spur track 1147.2 feet to a point on the East margin of the Whitesburg Drive; thence North 5 degrees 47 minutes East along the East margin of said Whitesburg Drive 428.0 feet; thence South 87 degrees 10 minutes East 168.8 feet; thence North 5 degrees 47 minutes East 200.0 feet; thence South 87 degrees 10 minutes East 913.0 feet to a point on the East boundary of the Northeast Quarter of Section 19, Township 5 South, Range 1 East; thence South 185.0 feet to the center of the West boundary of the Northwest Quarter of Section 20, Township 5 South, Range 1 East; thence East 2640.0 feet to the center of the East boundary of the Northwest Quarter of Section 20, Township 5 South, Range 1 East; thence North 2640.0 feet to the center of the East boundary of the Southwest Quarter of Section 17, Township 5 South, Range 1 East; thence West 2640.0 feet to the center of the West boundary of the Southwest Quarter of Section 17, Township 5 South, Range 1 East; thence North 6600.0 feet to the center of the West boundary of Section 8, Township 5 South,

Range 1 East; thence East 1320.0 feet to the center of the South boundary of the Northwest Quarter of Section 8, Township 5 South, Range 1 East; thence North 10,560.0 feet to the center of the North boundary of the Southwest Quarter of Section 32, Township 4 South, Range 1 East; thence West 3450.0 feet to a point on the East margin of Louisville & Nashville Railway; thence North 15 degrees 20 minutes West along the East margin of Louisville & Nashville Railway, 50.0 feet measured at right angles from the center line of same a distance of 10,986.0 feet to a point on the North boundary of the Southeast Quarter of Section 24, Township 4 South, Range 1 West; thence West 10,472 feet to the place of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. (a) The substantial provisions of this Act shall become effective only if the Act is approved by a majority of the qualified electors of Madison County who reside within the territory described herein which is outside the present corporate limits of the City of Huntsville, voting at a referendum election. The election shall be held on the first Tuesday after the expiration of thirty days from the date of this enactment.

(b) Notice of the election shall be given by the sheriff of Madison County, and such notice shall be published one time in a newspaper having a general circulation in Madison County at least ten days prior to the date of the election. The notice shall state the date on which the election is to be held, the voting place or places designated by the Board of County Commissioners of Madison County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the particular territory annexed to the City by this Act; and the notice must state that a map of the territory to be affected is on file in the office of the judge of probate of said county, open to inspection by the public. It shall be sufficient if such notice is in substance as follows: "Notice is hereby given that, pursuant to Act No. _____ (giving number of this Act and date of enactment), an election will be held on Tuesday, the _____ day of _____, 195____, during the hours between 8:00 A.M. and 6:00 P.M., in the unincorporated territory described in Section 1 of said Act No. _____ and in a map on file in the office of the judge of probate of Madison County, for the purpose of submitting to the qualified electors residing in such unincorporated territory the question of approval or disapproval of such Act.

"Notice is also given that there have been designated and appointed as voting places, and as officers to serve at such voting places, the following: (Here describe the locations of the designated places of voting and list the names of the election officials appointed for each place)."

(c) The Board of County Commissioners of Madison County

may designate as many places within the particular territory to be annexed to the city as they may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places; and the appointing board, consisting of the judge of probate, sheriff and circuit clerk of Madison County, as provided by law, shall appoint an inspector, a chief clerk, and two assistant clerks for each voting machine to be used at the election.

(d) Each qualified voter who has resided within the boundaries of the territory to be annexed to the city for three months next preceding the election may vote at the election, but he must vote at the voting place designated by the Board of County Commissioners for voters in the territory in which he resides and in no other place. The Board of Registrars shall prepare or cause to be prepared a list of qualified electors who are entitled to vote at the election.

(e) The election must be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as modified by the provisions of this Act.

(f) The probate judge of Madison County shall cause to be installed voting machines at the designated voting places, and have prepared for the election all election supplies, including the ballot labels and the costs of these supplies shall be paid by the City of Huntsville. The question to be printed on the ballot labels shall be substantially stated as follows: "Do you favor annexation to the City of Huntsville in accordance with the provisions of Act No. _____, approved _____, 195__? Yes () No ()."

(g) The inspectors at the several voting places must, as soon as the polls are closed, ascertain and certify the results of the election to the judge of probate, and the judge must canvass the returns as made. If a majority of the votes cast are "Yes," this Act shall become operative as of September 30, 1959; if a majority are "No," this Act shall have no further effect. The probate judge of Madison County shall certify the results of the election to the Secretary of State and to the governing body of the City of Huntsville within thirty days from the date of the election, and he shall keep on file in his office a copy of such certificate.

(h) The probate judge of Madison County shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, all of which shall be paid by the City of Huntsville.

Approved February 24, 1959.
Time: 10:06 A. M.

Act No. 64

H. 51—Roberts, Reynolds (Madison)

AN ACT

To alter, rearrange, and extend the boundaries of the City of Huntsville in Madison County, providing for a referendum election to determine whether the Act will become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Huntsville in Madison County are hereby altered, rearranged and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

All that part of Sections 29, 31 and 32, Township 3 South, Range 1 West, and Sections 5, 6, and 7, Township 4 South, Range 1 West, Madison County, Alabama; particularly described as beginning at the Southeast corner of Section 5, Township 4 South, Range 1 West, which point is further described as being the Southwest corner of the present corporate boundary of the City of Huntsville, Alabama; thence North 13,200 feet to the center of the East boundary of Section 29, Township 3 South, Range 1 West; thence West 2,640 feet to the center of Section 29, Township 3 South, Range 1 West; thence South 1,980 feet to the center of the West boundary of the Southwest Quarter of the Southeast Quarter of Section 29, Township 3 South, Range 1 West; thence West 2,640 feet to the center of the West boundary of the Southwest Quarter of the Southwest Quarter of Section 29, Township 3 South, Range 1 West; thence South 3,300 feet to the center of the West boundary of Section 32, Township 3 South, Range 1 West; thence West 2,640 feet to the center of Section 31, Township 3 South, Range 1 West; thence South 9,595 feet to a point on the South margin of the right-of-way of the Southern Railway right-of-way; thence North 68 degrees 33 minutes East along the South margin of the Southern Railway right-of-way 500 feet measured at right angles from the centerline of same, a distance of 5,200 feet to a point on the South boundary of the Southwest Quarter of Section 5, Township 4 South, Range 1 West; thence East 3,085 feet to the place of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. (a) The substantial provisions of this Act shall become effective only if the Act is approved by a majority of the qualified electors of Madison County who reside within the territory described herein which is outside the present corporate limits of the City of Huntsville, voting at a referendum election. The election shall be held on the first Tuesday after the expiration of thirty days from the date of this enactment.

(b) Notice of the election shall be given by the sheriff of Madison County, and such notice shall be published one time in a newspaper having a general circulation in Madison County at least ten days prior to the date of the election. The notice shall state the date on which the election is to be held, the voting place or places designated by the Board of County Commissioners of Madison County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the particular territory annexed to the City by this Act; and the notice must state that a map of the territory to be affected is on file in the office of the judge of probate of said county, open to inspection by the public. It shall be sufficient if such notice is in substance as follows: "Notice is hereby given that, pursuant to Act No. _____ (giving number of this Act and date of enactment), an election will be held on Tuesday, the _____ day of _____, 195____, during the hours between 8:00 A. M. and 6:00 P. M., in the unincorporated territory described in Section 1 of said Act No. _____ and in a map on file in the office of the judge of probate of Madison County, for the purpose of submitting to the qualified electors residing in such unincorporated territory the question of approval or disapproval of such Act.

"Notice is also given that there have been designated and appointed as voting places, and as officers to serve at such voting places, the following: (Here describe the locations of the designated places of voting and list the names of the election officials appointed for each place)."

(c) The Board of County Commissioners of Madison County may designate as many places within the particular territory to be annexed to the city as they may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places; and the appointing board, consisting of the judge of probate, sheriff and circuit clerk of Madison County, as provided by law, shall appoint an inspector, a chief clerk, and two assistant clerks for each voting machine to be used at the election.

(d) Each qualified voter who has resided within the boundaries of the territory to be annexed to the city for three months next preceding the election may vote at the election, but he must vote at the voting place designated by the Board of County Commissioners for voters in the territory in which he resides and in no other place. The Board of Registrars shall prepare or cause to be prepared a list of qualified electors who are entitled to vote at the election.

(e) The election must be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as modified by the provisions of this Act.

(f) The probate judge of Madison County shall cause to be installed voting machines at the designated voting places, and have prepared for the election all election supplies, including the ballot labels and the costs of the supplies shall be paid by the City of Huntsville. The question to be printed on the ballot labels shall be substantially stated as follows: "Do you favor annexation to the City of Huntsville in accordance with the provisions of Act No. _____, approved _____, 195____? Yes () No ()."

(g) The inspectors at the several voting places must, as soon as the polls are closed, ascertain and certify the results of the election to the judge of probate, and the judge must canvass the returns as made. If a majority of the votes cast are "Yes," this Act shall become operative as of September 30, 1959; if a majority are "No," this Act shall have no further effect. The probate judge of Madison County shall certify the results of the election to the Secretary of State and to the governing body of the City of Huntsville within thirty days from the date of the election, and he shall keep on file in his office a copy of such certificate.

(h) The probate judge of Madison County shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, all of which shall be paid by the City of Huntsville.

Approved February 24, 1959.
Time: 10:07 A. M.

Act No. 65

H. 53—Gilchrist, Brewer

AN ACT

To amend further Section 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), which provided clerical assistance, supplies and equipment for the office of Tax Assessor of Morgan County and prescribed certain duties of the Tax Assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), as amended, which provided clerical assistance, supplies and equipment for the office of the Tax Assessor of Morgan County and prescribed certain duties of the Tax Assessor is amended further to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies

and other assistants to the tax assessor, but the tax assessor shall select such clerks, deputies and assistants and fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed FIVE THOUSAND SEVEN HUNDRED TWENTY DOLLARS (\$5,720.00) per annum. The tax assessor shall have the right to discharge such clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semimonthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the books, commonly known as 'Tax Abstract,' provided for by section 65 of Title 51 of the Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same. The compensation of the clerks and assistants shall be paid in semimonthly installments upon their filing with the chairman of the board of written claims, therefor, the correctness of which shall be verified by the oath or affirmation of the tax assessor and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax assessor from time to time as conditions may warrant, not to exceed however the sum of FIVE THOUSAND SEVEN HUNDRED TWENTY DOLLARS (\$5,720.00) per annum."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall be retroactive to October 1, 1958.

Approved February 24, 1959.

Time: 10:08 A. M.

Act No. 66

H. 54—Brewer, Gilchrist

AN ACT

To amend further Section 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, p. 278), which provided clerical assistance, supplies and equipment for the office of the Tax Collector of Morgan County and prescribed certain duties of the Tax Collector.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, p. 278), as amended, which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector, is amended further to read as follows:

"Section 3. The Board of Revenue and Control or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax collector, but the tax collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed FIVE THOUSAND SEVEN HUNDRED TWENTY DOLLARS (\$5,720.00) per annum. The tax collector shall have the right to discharge such clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor. The compensation of the clerks and assistants shall be paid in semimonthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax collector and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax collector from time to time, as conditions may warrant, not to exceed, however, the said sum of FIVE THOUSAND SEVEN HUNDRED TWENTY DOLLARS (\$5,720.00) per annum."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall be retroactive to October 1, 1958.

Approved February 24, 1959.

Time: 10:09 A. M.

Act No. 67

H. 55—Brewer, Gilchrist

AN ACT

To amend further Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), which provided clerical assist-

ance, office supplies and equipment for the office of the Judge of Probate of Morgan County and prescribed certain duties of the Judge of Probate.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), as amended, which placed the judge of probate of Morgan County on a salary, provided clerical assistance, office supplies and equipment for his office, and prescribed certain duties of the probate judge, is amended further to read as follows:

"Section 4. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of the county, shall provide the judge of probate with the necessary books, records, equipment, furniture, fixtures, stationery, postage, and other supplies, and with sufficient clerks and assistants. The judge shall have the authority to select and employ and discharge at will his clerks and assistants, and to fix their compensation, but the total compensation of such clerks and assistants shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor, not to exceed the sum of SEVENTEEN THOUSAND THREE HUNDRED DOLLARS (\$17,300.00) per annum. The board shall have authority and it shall be its duty to make an allowance for such compensation and to raise and lower the same from time to time, subject to the maximum of SEVENTEEN THOUSAND THREE HUNDRED DOLLARS (\$17,300.00), as conditions and circumstances may warrant."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 10:10 A. M.

Act No. 68

H. 56—Callahan, Ferguson

AN ACT

To impose extra, new, and additional duties upon the Circuit Clerks of any county of the State having a population of not less than 94,000 (ninety-four thousand) nor more than 134,000 (one hundred thirty-four thousand) inhabitants; to provide additional compensation for the performance of such duties; and to provide for the payment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to all other duties now imposed upon them by law, the following extra, new, and additional duties are hereby imposed upon the Circuit Clerks of any county in this State having a population of not less than ninety-four thousand

(94,000) nor more than one hundred thirty-four thousand (134,000) inhabitants according to the preliminary count of the 1950 Federal Census, or any subsequent decennial census of the population of the United States:

(a) The Circuit Clerk shall maintain and keep current information on all regulations and bulletins issued by the Federal Government pertaining to the issuance of Passport Applications, and in addition must supply all applicants with an International Immunization form, which is provided by the United States Public Health Service.

(b) The Circuit Clerk shall issue Passport Applications to any person desiring the same, provided that person is entitled by Federal Statutes to receive an application.

Section 2. The compensation to the Circuit Clerk for issuing a Passport Application shall be two dollars (\$2.00), the amount allowable by Federal Statutes. The Circuit Clerk shall, at the end of each month, draw a check upon the funds of the office of the Circuit Clerk for all monies collected for the issuance of Passport Applications, and make check payable to himself. The additional compensation which the Circuit Clerk receives as a result of the provisions of this Act over and above the compensation now provided by law is hereby declared to be compensation for the performance of the extra, new, and additional duties hereby imposed upon them.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.
Time: 9:31 A. M.

Act No. 69

H. J. R. 27—Rules Committee

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring:

1. There shall be an Interim Committee on Finance and Taxation, to meet during the interim between approval date of this resolution, and the opening day of the regular session of the Legislature in May following, whose duty it shall be to make a careful investigation and study of the budget and financial conditions of the State. The Committee is also charged with the responsibility of recommending to the Legislature means for meet-

ing the financial needs of education as set forth in the Report by the Alabama Education Commission. The Committee shall be composed of the Senate Standing Committee on Finance and Taxation and the House Standing Committee on Ways and Means. The President of the Senate and the Speaker of the House shall be Ex Officio members of the Committee. The Chairman of the Senate Committee on Finance and Taxation shall be Chairman of said Committee and the Chairman of the Ways and Means Committee of the House shall be Vice Chairman.

2. There shall also be an Interim Committee on Revision of Laws, to consist of twenty (20) members of the House, to be appointed by the Speaker, and six (6) Senators, to be appointed by the President of the Senate, who shall meet during the interim herein mentioned and examine, inquire into, and study any subject respecting which it may desire information in aid of the Legislature's duty to pass laws. Provided, that the Committee shall not encroach upon the jurisdiction of the Interim Committee on Finance and Taxation, interfere with its investigations, or duplicate its efforts. The President of the Senate and Speaker of the House shall be Ex Officio members of the Committee. The Speaker shall name the Committee's Chairman, and the President of the Senate shall name the Vice Chairman. Vacancies on the Committee shall be filled by the Speaker or President of the Senate, as the case may require.

3. The pay of the members and Ex Officio members of the Committees shall be the same as their regular legislative per diem and expense allowance for each day while in attendance of Committee meetings when not drawing their regular legislative pay, plus mileage of ten cents (.10) per mile in going from his residence to, and in returning to his residence from Montgomery, to be computed as required by the Code, the mileage to be paid one time only.

4. The Committees are authorized to employ such clerks as it may deem necessary, and their compensation shall be paid as provided in Section 13, Title 32, Code of Alabama 1940.

Approved February 24, 1959.
Time: 9:10 A. M.

Act No. 70

H. J. R. 29—Lee

HOUSE JOINT RESOLUTION

MEMORIALIZING THE CONGRESS AND PRESIDENT OF THE UNITED STATES TO SAFEGUARD AND PRESERVE ESTABLISHED STATE AND INDIVIDUAL RIGHTS TO THE USE OF WATER WITHIN THE SEPARATE STATES.

WHEREAS recent decisions of the federal courts and recent assertions from the United States department of justice have deprived states, and persons, of rights which said states and persons previously enjoyed, to regulate and control the use of the water in those respective states; and

WHEREAS said decisions and assertions are further a part of a general pattern developing gradually into federal supremacy and usurpation over water, which will substitute an all powerful centralized government control thereover, and will continue to destroy individual and states' rights over water; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the United States Congress and the President of the United States are hereby urged and requested to take all necessary action (1) to preserve the water rights of the individual and the states and to prevent federal usurpation of those rights; (2) to see that legislation is initiated and supported to recognize and protect the rights of individuals and the states' rights taken from them by the federal courts and the justice department; and (3) in every way possible to reaffirm, renew, and defend the concepts that water rights are property rights and that these established rights, to the use of water, by a state or an individual, should not be taken away without the process of law and adequate compensation.

BE IT FURTHER RESOLVED THAT the Legislature of Alabama is cognizant of the great benefits derived from the Tennessee Valley Authority and is in accord and expresses approval of the Tennessee Valley Authority.

BE IT FURTHER RESOLVED, THAT CERTIFIED COPIES OF THIS RESOLUTION be promptly transmitted by the Clerk of the House to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, the chairmen of the United States Senate and House Committees of Interior and Insular Affairs, and the Alabama legislative delegation in the Congress of the United States.

Approved February 24, 1959.

Time: 9:47 A. M.

Act No. 71

H. 39—Shumate, Bevill

AN ACT

Relating to the Court of Common Pleas of Walker County: To grant such court certain additional county-wide criminal jurisdiction; to prescribe certain additional powers, duties and authority for the judge thereof, and fix and provide for the payment of his compensation; to regulate further procedure in such court; to prescribe certain costs and

charges therein; and to provide for the payment into the county treasury of certain fees, commissions, charges, and costs collected by the court.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of Common Pleas of Walker County, in addition to the power, authority and jurisdiction conferred on it by Act No. 238, H. 673, approved August 13, 1957 (Acts of Alabama 1957, page 297) shall also have county-wide criminal jurisdiction, concurrent with the County Court of Walker County, of the following offenses: public drunkenness, assault and battery, using abusive, insulting or obscene language, being upon or along a public road while under the influence of liquor or narcotic drugs, and of violations of the motor vehicle and traffic laws contained in Title 36, Code of Alabama 1940, as now or hereafter amended.

Section 2. In addition to the power and authority now vested by law in him, the judge of the Court of Common Pleas of Walker County shall have such authority and power as may be necessary for the maintenance and exercise of the jurisdiction herein granted to and vested in the Court of Common Pleas, and he is also authorized to solemnize the rites of matrimony.

The judge of the Court of Common Pleas shall at all reasonable times when not otherwise engaged in the discharge of the duties of his office occupy an office in the courthouse, which office shall be provided by the court of county commissioners, board of revenue, or like governing body of Walker County; and it shall be unlawful for the judge of the Court of Common Pleas to practice law or be connected in the practice of law with any lawyer or law firm, it being the duty of such judge to give his entire time to the discharge of the duties of his office.

Section 3. The judge of the Court of Common Pleas of Walker County shall receive a salary of three thousand six hundred dollars (\$3,600) per annum, payable as a preferred claim in equal monthly installments out of the general fund of Walker County, which shall be in lieu of all other compensation heretofore provided by law. The judge of the Court of Common Pleas may be impeached or removed from office on the same grounds and in the manner provided for the impeachment or removal of the judges of inferior courts under the general laws of this State.

Section 4. In all criminal cases resulting in conviction in the Court of Common Pleas of Walker County the defendant shall have the right of appeal to the Circuit Court of Walker County on entering into bond with sufficient surety to appear at the term of court to which the appeal is taken, and from term to term until discharged, the bond to be in such penalty as the judge of said court may prescribe and to be approved by the judge of said court. If the defendant does not make the bond required, he shall remain in custody. A defendant may within ten days after taking an

appeal demand in the circuit court, in writing, a trial by jury, otherwise the case shall be tried by the court without a jury. All appeals must be taken within thirty (30) days of conviction and no appeal shall be taken after defendant has accepted judgment of the court by paying any fine adjudged.

Section 5. The costs for criminal proceedings in the Court of Common Pleas of Walker County shall be as follows: Complaint made before the judge, fifty cents; issuing warrant of arrest, fifty cents; issuing search warrant, one dollar; issuing warrant in bastardy proceedings, one dollar; each bond or undertaking of the accused, one dollar; issuing each subpoena or notice, fifty cents; order of commitment to jail, twenty-five cents; each trial of misdemeanor, two dollars; each judgment on forfeited bond or undertaking, one dollar; taking bond and certifying proceedings on appeal, two dollars; preliminary hearings, two dollars; each execution for cost, fifty cents; and docketing each case, twenty-five cents.

Section 6. The costs, fees and charges in civil proceedings in the Court of Common Pleas of Walker County shall be the same as the costs, fees and charges in like cases in the courts of justices of the peace of Walker County.

Section 7. All fees, commissions, charges and costs collected by the judge of the Court of Common Pleas of Walker County shall be collected for the use of the county and paid into the county treasury on or before the tenth day of each month for the preceding month.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.
Time: 9:26 A. M.

Act No. 72

H. 42—Casey

AN ACT

To validate certain elections held since June 4, 1951, under Constitutional Amendment III or Constitutional Amendment CXXIII or the provisions of article six or seven of chapter ten, title fifty-two, Code of Alabama 1940, or under any other law, for the purpose of authorizing a special tax for school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. All elections, whether in county or city school districts or in counties at large, which have been held since June 4, 1951, under Amendment III to the Constitution or Amendment CXXIII to the Constitution proposed by Act No. 519, H. 995, Acts of 1957 Reg. Sess., voted on at an election held December 17, 1957, and proclaimed ratified December 27, 1957, or the provisions of article 6 or 7 of chapter 10, Title 52, Code of Alabama 1940, or under any other law, for the purpose of authorizing a special tax for any school purpose or for school purposes generally under the Constitution of Alabama, which said elections resulted in a majority of the votes cast being in favor of the said tax and which said elections were irregular by reason of failure prior to the actual holdings of the elections to give notice thereof in a newspaper or by reason of any other irregularity, be and the same are hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such elections had been duly and legally complied with at the time the elections were held; and the said tax shall be levied and collected accordingly.

For the purpose of validating all such elections in county or city school districts, all elections held in counties at large since June 4, 1951, and prior to the date of any such district tax election, under the provisions of Amendment III to the Constitution or article 6 or 7, chapter 10, Title 52, Code of Alabama 1940, or under any other law, for the purpose of authorizing a special tax for any school purpose or school purposes generally under the Constitution of Alabama, which said elections resulted in a majority of the votes cast being in favor of said tax and which said elections were irregular by reason of failure prior to the actual holding of the elections to give notice thereof in a newspaper or by reason of any other irregularity, be and the same hereby are ratified and confirmed as of the date such county-wide elections were so held and given effect in all respects as if all provisions of law relating to such county-wide elections had been duly and legally complied with and said tax shall be levied and collected accordingly. Each such county-wide school tax, the election thereon and the levy and collection thereof are hereby ratified, confirmed and validated retroactively to the date of such elections thereon; and each such tax for each county and city school district in such county which was voted at an election held subsequent to such county-wide school tax elections is accordingly ratified, confirmed and validated retroactively to the date of the election thereon and given effect in all respects as if all provisions of law relating thereto, including a valid county-wide tax election, levy and collection, had been duly and legally complied with; and each such county and city school district tax shall be levied and collected accordingly.

Section 2. The provisions of this Act shall not apply to elec-

tions which have been in express terms held and declared illegal by any board of revenue or court of county commissioners or by the supreme court of Alabama prior to the passage of this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:30 A. M.

Act No. 73

H. 52—Goodwyn, Bounds, Turnham, Bevill, Bailey, Pierce, Goldthwaite, Hocklander, Trimnier, Hawkins, Edwards

AN ACT

Relating to taxation; exempting Young Women's Christian Associations (YWCA) and their property from state, county, and municipal taxes, licenses, fees, and excises, under certain prescribed conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. All Young Women's Christian Associations, and all real and personal property of all Young Women's Christian Associations, and of any branch or department of same heretofore or hereafter organized and existing in good faith in the state of Alabama, for other than pecuniary gain and not for individual profit, when such real or personal property shall be used by such associations, their branches or departments, in and about the conducting, maintaining, operating and carrying out of the program, work, principles, objectives and policies of such associations, their branches or departments, in any city or county of the state of Alabama, are exempt from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof. The receipt, assessment or collection of any fee, admission, service charge, rent, dues or any other item or charge by any such association, its branches or departments, from any person, firm or corporation for any service rendered by any such association, its branches or departments, or for the use or occupancy of any real or personal property of any such association, its branches or departments, in or about the conducting, maintaining, operating and carrying out of the program, work, principles, objectives and policies of any such association, its branches or departments, shall not be held or construed by any court, agency, officer or commission of the state of Alabama, or any county or municipality thereof to constitute pecuniary gain or individual profit by any such association, its branches or departments, or the doing of business in such a man-

ner as to prejudice or defeat, in any manner, the right and privilege of any such association, its branches or departments, to claim or rely upon or receive the exemption of such association, its branches or departments, and of all real and personal property thereof from taxation, as herein provided.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall take effect October 1, 1959.

Approved February 24, 1959.

Time: 10:16 A. M.

Act No. 74

H. 59—Bishop

AN ACT

To amend Act No. 485 adopted at the 1949 Regular Session of the Legislature of Alabama, levying additional special privilege or license taxes and excise taxes in Colbert County, so as to change in certain respects the allocation of the revenues arising from said taxes, so as to specify the purposes for which such revenues may be used, and so as to provide that pledges of revenues arising from said taxes made by any of the boards of education to whom such revenues are allocated shall be prior to all other charges on such revenues.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 485 adopted at the 1949 Regular Session of the Legislature of Alabama shall be and hereby is amended to read as follows:

“Section 8. Seventy-five per cent of the revenue arising from said taxes under this act shall be allocated and paid over to the County Board of Education of Colbert County.

The remaining twenty-five per cent of said revenues shall be divided between the Board of Education of the City of Sheffield and the Board of Education of the City of Tuscumbia as follows: sixty per cent thereof shall be allocated and paid over to the Board of Education of the City of Sheffield, and the remaining forty per cent thereof shall be allocated and paid over to the Board of Education of the City of Tuscumbia.”

Section 2. Section 9 of Act No. 485 adopted at the 1949 Regular Session of the Legislature of Alabama shall be and hereby is amended to read as follows:

“Section 9. All such revenue allocated to the Board of Education of the City of Tuscumbia shall be used exclusively for public

school purposes in said City. All such revenue allocated to the Board of Education of the City of Sheffield shall be used exclusively for public school purposes in said City. All such revenue allocated to the County Board of Education of Colbert County shall be used exclusively for public school purposes in said County outside of the Cities of Tuscumbia and Sheffield."

Section 3. Section 10 of Act No. 485 adopted at the 1949 Regular Session of the Legislature of Alabama shall be and hereby is amended to read as follows:

"Section 10. Each of the respective boards of education named in Section 8 of this act shall have the right and authority to pledge the revenue arising from said taxes allocated to it under this act as security for any warrants that may be issued by it for public school purposes and as security for any other debts that may be incurred by it for public school purposes, it being specifically declared that the use of such revenues for payment of the principal of and the interest on such warrants and other debts is a public school purpose as those terms are used in Section 8 hereof. All such warrants and debts for which the pledge authorized in this section shall be made shall constitute preferred claims over that portion of said revenues pledged therefor and shall have preference over claims against said revenues incurred for operating expenses and for any other purpose whatsoever."

Section 4. The provisions of this act are severable. In the event any section, clause or provision hereof shall be held invalid or unenforceable, such holding shall not invalidate or render unenforceable any other section, clause or provision hereof.

Section 5. This act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved February 24, 1959.

Time: 9:25 A. M.

Act No. 75

H. 63—Adams (Houston)

AN ACT

Relating to cities having a population of not less than 20,000 nor more than 22,500 inhabitants, according to the last or any subsequent federal decennial census, and operating under the commission form of government provided for by Article 1, Chapter 4, Title 37, Code of Alabama (1940), as amended; providing for and prescribing the form of government for all such cities; and prescribing penalties for violations of certain provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Each city having a population of not less than 20,000 nor more than 22,500 inhabitants, according to the last or any subsequent federal decennial census, if it operates under the com-

mission form of government provided for by Article 1, Chapter 4, Title 37, Code of Alabama (1940), as amended, shall become organized under the commission form of government provided for by this act. It is provided, however, that until the first Monday in October, 1961, each city within the purview of this act shall continue to be governed under the laws applicable to its present form of government, except as otherwise provided herein. The commissioner who shall be elected in 1959 under the present form of government shall be elected for a term of two years, and shall serve until the first Monday in October, 1961; the commissioner who shall be elected in 1960 under the present form of government shall be elected for a term of one year, and shall likewise serve until the first Monday in October, 1961. Effective on the first Monday in October, 1961, each city within the scope of this act shall be governed by a board of commissioners consisting of three members, one of whom shall be president of the board of commissioners, one associate commissioner no. 1, and one associate commissioner no. 2. The three commissioners provided for herein shall all be elected at the same election, and shall serve for concurrent terms. The term of office of each member of the board of commissioners provided for by this act shall be four years, and until his successor is elected and qualified as hereinafter provided. The general elections for president and members of the board of commissioners provided for by this act shall be held on the first Monday in September, 1961, and each succeeding four years thereafter. The president and the associate commissioners provided for by this act shall be known collectively as "The Board of Commissioners of the City of (insert name of city)" and shall have the powers and duties hereinafter provided. The president of the board of commissioners shall be the mayor or the chief executive of the city.

Section 2. The territorial limits of each such city shall remain the same as under its former organization, except that all divisions and the wards of such municipality shall be abolished and all commissioners shall be elected at large.

Section 3. The positions held by the commissioners to be elected on the first Monday in September, 1961, and every four years thereafter, shall be designated as mayor, associate commissioner no. 1, and associate commissioner no. 2. Every candidate for election to any of such offices shall, in announcing his candidacy, designate the position for which he is a candidate; and the ballots to be used at the elections shall be prepared accordingly. All persons qualified to vote in such elections shall be entitled to vote for one candidate for mayor, for one candidate for the position of associate commissioner no. 1, and for one candidate for associate commissioner no. 2. Whenever a candidate for any one of the designated positions receives a majority of all the votes cast for all candidates for that position, he shall be declared

elected to the position so designated; but if no candidate for such a designated position receives a majority, the two candidates receiving the highest number of votes shall be declared eligible for a second election. Such second election, when and if necessary, shall be held on the second Monday next succeeding the date of the first election. The candidate who receives the highest number of votes in the second election shall be declared elected to such designated position. Candidates declared elected shall qualify and take office on the first Monday in October next following the election. Except as otherwise provided herein, elections of the mayor and associate commissioners provided for by this act shall be conducted in accordance with the general election laws of Alabama.

Section 4. The members of the board of commissioners provided for by this act shall be municipal officers only, and shall have, possess, and exercise the municipal powers, legislative, executive, and judicial, now or hereafter conferred upon municipalities and the governing bodies thereof. All laws governing such cities, and not inconsistent with the provisions of this act, shall apply to and govern the city after it has become organized under the commission form of government provided by this act. All laws, ordinances, and resolutions lawfully passed and in force in any such city under its former organization not inconsistent with the provisions of this act shall remain in force until altered or repealed, according to the provisions of this act. All employees of each such city and all officials except those whose terms of office may be abolished by this act shall continue in office until otherwise provided by the board of commissioners.

Section 5. Effective on the first Monday in October, 1961, the executive and administrative powers and duties in cities within the scope of this act shall be distributed into and among three departments as follows: The department of public safety, the department of public utilities and streets, and the department of accounts, finances, and public affairs. Associate commissioner no. 1 shall have charge of and supervision over the department of public safety, which shall include the fire and police departments of the city. Associate commissioner no. 2 shall have charge of and supervision over the department of public utilities and streets, which shall administer all functions of the city relative to streets, city buildings and property, parks, public improvements and public utilities; provided that in any such city having a municipal utilities board created by or under any act of the legislature of Alabama, the jurisdiction of such municipal utilities board shall not be affected by this section and the utility or utilities under the jurisdiction of such board shall continue to be operated by the board, as this section is not intended to modify or repeal any legislation creating a municipal utilities board. The mayor shall have charge of and supervision over the department of accounts

finances, and public affairs, which shall administer the functions of the city having to do with finance and taxation, accounts and accounting, budget and appropriations, and all matters pertaining to the government of such city not otherwise assigned herein to another department.

Section 6. Effective on the first Monday in October, 1961, the mayor in cities within the scope of this act shall receive an annual salary of three thousand six hundred dollars (\$3,600.00), and each associate commissioner shall receive an annual salary of two thousand four hundred dollars (\$2,400.00). All such salaries shall be payable by the city in equal monthly installments, and at the same rate for every fraction of a year which the commissioners serve. The payment of all funds out of the treasury shall be by warrants signed by the city clerk and countersigned by the mayor, provided that during the absence of the mayor from the corporate limits of the city, and necessity therefor arising, warrants may be countersigned by one of the associate commissioners designated by the mayor to act in his stead.

Section 7. All rights, powers and property of every description which were vested in the city shall vest in it under the organization herein provided for as though there had been no change in the organization of the city; and no right or liability, either in favor of it or against it, and no suit or prosecution of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this act.

Section 8. Every city within the purview of this act shall be governed and managed by the board of commissioners provided for herein. Except as otherwise provided herein, each and every officer and employee of the city other than the commissioners shall be selected and employed by the board, or under its direction, and all salaries and wages paid by the city, except as otherwise provided by this act, shall be fixed by the board. The commissioners shall have the authority to create all necessary offices and shall prescribe and may at any time change the power, duties, and titles of all subordinate officers and employees of the city, including the office of city recorder, and all such officers and employees shall hold office and be removable at the pleasure of the board of commissioners, except as otherwise provided herein. It is provided, however, that all salaried officials, except members of the boards and commissioners above mentioned, and the recorder, if any, who are holding office at the time of the adoption of this form of government, under an election, appointment, or other method of selection for a definite term, shall be permitted to serve out such term in the position and with the duties and compensation, and subject to the conditions, restrictions, and regulations which would have existed had there been no change in the government of such city. And it is provided further that if any city within the scope of this act has a merit system for the

governance of its personnel, or employs a city manager for the management of its affairs, the jurisdiction, powers, duties, and operation of such merit system or city manager shall not be affected by this act, and the merit system and the city manager shall continue to function as now provided for, as this act is not intended to supersede, modify, or repeal in any manner any legislation—general, local, or special—providing a merit system or city manager for the city.

Section 9. The board of commissioners provided for by this act shall hold regular public meetings on the first and third Tuesdays of each month at some regular hour to be fixed by the board from time to time, and publicly announced by it; provided, however, that the board may by ordinance provide that it shall hold regular public meetings on Tuesday of each week, or on the second and fourth Tuesdays of each month, the time of such meetings to be fixed by the board from time to time and publicly announced by it; and the board may hold such adjourned, called, and other meetings as may be necessary or convenient.

Section 10. The president of the board, when present, shall preside at all meetings of the board, but shall have no veto power. Two members of the board shall constitute a quorum for the transaction of all business to be done by the board, and for the exercise of any power conferred upon it; and the affirmative vote of two members of the board shall be necessary and sufficient for the passage of any resolution, by-law, or ordinance, or for the transaction of any business of any sort by the board, or for the exercise of any of the powers conferred upon it by the terms of this act, or that may hereafter be conferred upon it.

Section 11. The board may assign or delegate to one or more of its members, or to such boards, commissioners, officers, or employees as may be created or selected by it, the performance of such executive and judicial duties and powers as may be necessary or convenient, provided that such assignment or delegation is done by resolution, by-law, or ordinance, duly enacted according to the terms of this act, and according to the laws of Alabama.

Section 12. All meetings of the board at which any person not a city officer is present shall be open to the public.

Section 13. No resolution, by-law, or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, enacting any regulations concerning the public comfort, the public safety or public health, or of any other general or permanent nature, shall be enacted except at a regular or adjourned public meeting of the board.

Section 14. Every motion, resolution, or ordinance introduced at any such meeting shall be reduced to writing and read before any vote thereon shall be taken; and the yeas and nays thereon shall be recorded.

Section 15. A record of the proceedings of every such meeting shall be kept in a well-bound book and every resolution or ordinance passed by the board of commissioners must be recorded in such book, and the record of the proceedings of the meeting must be signed by at least two of the commissioners before the action taken shall be effective. Such record shall be kept available for inspection by all citizens of such city at all reasonable times.

Section 16. No resolution, by-law, or ordinance granting to any person, firm, or corporation any franchise, lease, or right to use the streets, public highways, thoroughfares, or public property of the city organized under the provisions of this act, either in, under, upon, along, through, or over same shall take effect and be in force until thirty days after the final enactment of same by the board of commissioners, and publication of said resolution, by-law, or ordinance in full once a week for three consecutive weeks in some newspaper published in the city, which publication shall be made at the expense of the persons, firms, or corporations applying for the grant.

Section 17. Pending the passage of any such resolution, by-law, or ordinance, or during the time intervening between its final passage and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of the city may by written petition or petitions addressed to the board of commissioners object to such grant, and if, during this period, such written petition or petitions signed by at least a number of qualified voters equal to four for every one hundred inhabitants of the city, or fraction thereof, according to the last federal census, shall be filed with the board of commissioners, the board shall forthwith order an election, at which the legally qualified voters of the city shall vote for or against the proposed grant as set forth in the by-law, resolution, or ordinance. In the call for the election the resolution, by-law, or ordinance making the grant shall be published at length and in full at the expense of the city in some newspaper in the city. One publication shall be sufficient for the purposes of this section.

Section 18. If at such election the majority of the votes are in favor of the ordinance and the making of the proposed grant, the same shall thereupon become effective; but if a majority of the votes so cast shall be against the passage of the resolution, by-law, or ordinance and against the making of the grant, the by-law, resolution, or ordinance shall not become effective, nor shall it confer any rights, powers, or privileges of any kind, and it shall be the duty of the board of commissioners, after the result of the election is determined, to pass a resolution or ordinance to that effect.

Section 19. No grant of any franchise or lease or right of user, or any other right in, under, upon, along, through or over, the

streets, public highways, thoroughfares, or public property of any such city shall be made or given, nor shall any such rights of any kind whatsoever be conferred upon any person, firm or corporation, except by resolution or ordinance, duly passed by the board of commissioners at some regular or adjourned meeting, and published as above provided for; nor shall any extension or enlargement of any such rights or powers previously granted, be made or given except in the manner and subject to all the conditions herein provided for as to the original grant of same.

Section 20. Any person desiring to become a candidate at any election which may be held under this act for the office of mayor or associate commissioner may become such candidate by filing in the office of the mayor or commission of the city, if at the first election of the commission under this act, or with the commission at any subsequent election, a statement of such candidacy, accompanied by affidavit taken and certified by the mayor or by any member of the commission, or by a notary public, that such person is duly qualified to hold the office for which he desires to become a candidate. No person shall be eligible for such office unless he is over the age of twenty-one at the time he becomes a candidate, or unless he is qualified to vote in the election at which he shall be elected. The statement shall be filed at least twenty days before the day set for such election, and shall be substantially in the following form: "State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____ in said State and County and reside at _____ in said City; that I desire to become a candidate for the office of _____ (inserting mayor, associate commissioner no. 1, or associate commissioner no. 2, as the case may be) in said City for the term of _____ years at the election to be held on the _____ day of _____; that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election. (signed) _____. Subscribed and sworn to before me by said _____ on this _____ day of _____, 19____, and filed in this office for record on said day. _____ (style of officer)."

Section 21. No name shall appear upon the ballot as a candidate for election except the names of such persons as have become candidates according to the provisions hereinabove set forth; and no ballots shall be used at any such election except the official ballot prepared by the city.

Section 22. In case any person, after having been elected and duly qualified as commissioner, is declared ineligible to hold such office, a successor shall be chosen as in the case of a vacancy caused by death, resignation, or other cause.

Section 23. Every person elected to the office of commis-

sioner in any city organized under this act, shall, on or before the first Monday of October next succeeding his election, qualify by making oath that he is eligible for the office and will execute the duties of same according to his best knowledge and ability. The oath shall be administered by the retiring mayor, or by a notary public, or by a member of the commission, and he shall give bond in the sum of five thousand dollars (\$5,000.00) payable to the city, conditioned upon the faithful performance of his duties as commissioner, which bond shall be approved by the judge of probate of the county in which the city is located and recorded in his office, for which the judge of probate shall receive one dollar (\$1.00) to be paid by the commissioner.

Section 24. Whenever any vacancy occurs in the office of any commissioner of any city organized under this act, by death, resignation, or removal, then his successor shall be appointed by the two remaining members of the board of commissioners of such city. Every person who is appointed to the office of commissioner in any such city under the provisions of this section shall qualify for office as soon as practicable after such appointment and shall be clothed with the duties and responsibilities and powers of such office immediately upon such qualification. He shall hold office for the unexpired term of his predecessor.

Section 25. The employees of cities organized under this act shall be selected by the commissioners solely on account of their fitness, and without regard to their political affiliations. It shall be unlawful to hold any party caucus or primary for the purpose of nominating any employee to be selected by such commissioners, and any person who shall solicit, receive, or accept a party or caucus nomination for any office to be filled by the commissioners shall thereby be rendered ineligible for such office or for any other office under the city for a period of one year thereafter.

Section 26. It shall be unlawful for any candidate for office, or any officer in the city, directly or indirectly, to give or promise any person or persons an office, position, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid, or vote of any person or persons, or for any candidate to provide or use any hacks, automobiles, or other vehicles for the purpose of transporting voters to the polls on election day.

Section 27. Every commissioner elected by popular vote in such city shall, within thirty days after qualifying, file with the judge of probate of the county his sworn itemized statement in detail of all his election and campaign expenses, and by whom such funds were contributed. The statement shall be published one time, at the expense of the city, in a newspaper of general circulation in the city.

Section 28. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or in any services to be furnished or performed, for the city; and no such officer or employee shall be interested, directly or indirectly, in any contract for work or materials, or the profits thereof, or in any services to be furnished or performed, for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line, or telephone exchange within the territorial limits of the city.

Section 29. No commissioner or any other official of such city shall be interested in, or an employee of, any corporation operating any public service utility within such city, provided this shall not apply to any employment or interest existing at the time of the selection or election of such commissioner or other official.

Section 30. No officer or employee of the city shall accept or receive, directly or indirectly, from any person, firm, or corporation operating within the territorial limits of the city any railroad, interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket, or free service, or accept or receive, directly or indirectly, from any such person, firm, or corporation, any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Every such contract or agreement shall be void.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor to policemen in the discharge of their duty; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected.

Section 31. The board of commissioners shall, each quarter, print in pamphlet form a detailed statement of all receipts and expenses of the city and a summary of its proceedings during the preceding quarter and furnish printed copies thereof to the daily newspapers of the city, and to persons who apply therefor.

Section 32. At the end of each year the board of commissioners shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of quarterly expenditures; and the Governor may, at any time, have all the books and accounts of such city examined by a state examiner of public accounts, the cost of such examination to be paid by such city upon the presentation to the president of the board of commissioners of such city of a duly verified statement of such expenses made by such examiner of public accounts, approved by the Governor.

Section 33. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any election provided in this act, or any voter entitled to vote at such election, receiving and accepting such bribe or other consideration, or any person making false answer to any of the provisions of this act relative to his qualifications to vote at an election, or any person willfully voting or offering to vote at such election who has not been a resident of this State for two years next preceding the election, or who is not twenty-one years of age, or is not a citizen of the United States, or knowing himself not to be a qualified voter of such precinct, where he offers to vote, or any person knowingly procuring, aiding, or abetting any violation hereof, shall be deemed guilty of a misdemeanor.

Section 34. Any employee of any such city who solicits support for any candidate for mayor or associate commissioner, or any such employee who endeavors to influence any voter to vote for or against any candidate for mayor or associate commissioner, shall be deemed guilty of a misdemeanor.

Section 35. It shall be unlawful for any candidate for mayor or associate commissioner, or for any other person in his behalf, to hire, or pay, or agree to pay, any person to solicit votes at the polls on election day, and it shall also be unlawful for any person to accept such hire, or make such contract for pay, to solicit votes for any candidate for mayor or associate commissioner.

Section 36. Should a vacancy exist simultaneously from any cause hereinbefore provided for in two commissionerships, so as to leave no quorum of said board to fill same, an election to fill the vacancies shall be called by the remaining commissioner, to be held not less than twenty nor more than thirty days from the occurrence of the second vacancy. Notice of the election and of the time of holding same shall be given by one publication at least fifteen days in advance of same in one or more newspapers in said city at the expense of said city. The commissioners chosen at this election shall qualify as speedily as possible thereafter. They shall serve for the unexpired portions of the terms of their predecessors.

Section 37. The judges of probate of the counties in which are located cities covered by this act shall record in a well-bound book, kept for that purpose, all papers required to be filed with them under this act, and shall receive therefor the compensation allowed by law for recording deeds.

Section 38. Any person wilfully violating any provision of this act relating to the commission form of government for certain municipalities shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty (50) nor more than five

hundred (500) dollars, and may, at the discretion of the court trying the case, be sentenced to hard labor for the county for a term not to exceed six months, and such offenses shall be grounds for removal from municipal office.

Section 39. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 40. All laws or parts of laws which conflict with this act are repealed.

Section 41. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:12 A. M.

Act No. 76

H. 65—Edwards, Hawkins, Locke, Sessions, Perry, Rast, Morrow

AN ACT

To amend Section 5 of Act No. 259 of the 1943 Regular Session of the Legislature of Alabama (1943 Acts, Page 230, as amended by Act No. 332 of the Acts of Legislature of the 1945 Regular Session—1945 Acts of Regular Session, Page 545) entitled an Act "To provide for appeals to the circuit court in counties having a population of 400,000 or more according to the last or any subsequent federal census, from decisions of the board of equalization in such counties; and to provide for the proceedings and procedure in the circuit court, on such appeals and section 14 of said Act so as to provide for appeals to the Supreme Court of Alabama in cases provided for by said Act."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5 of Act No. 259 of Acts of the Legislature of Alabama Regular Session of 1943, be amended to read as follows:

"Section 5. The circuit court shall appoint to serve as members of the said commission nine disinterested persons who are generally reputed to be honest and intelligent, and who are esteemed in the community for their integrity and good judgment, and especially for their good judgment and expertness in the matter of real property values, and shall be limited to persons who are licensed within the county as real estate brokers, salesmen, or appraisers, and whose major livelihood is derived from being actively engaged in the real estate profession in said county, and shall have had a minimum of five years' experience in the real estate profession. From said panel of nine members the taxpayer shall have the right to strike any three of said members and the State of Alabama shall have the right to strike three members.

The remaining three members shall be appointed as triers of the appeal."

Section 2. That Section 14 of Act No. 259 of Acts of the Legislature of Alabama Regular Session of 1943, be amended to read as follows:

"Section 14. From the judgment of the circuit court either the state or the taxpayer may appeal direct to the Supreme Court of Alabama within thirty days from the rendition of such judgment or within thirty days of the ruling of the circuit court on a motion filed under section 10 of this Act, whichever occurs last. Upon such appeal the appellant may assign as error the ruling of the circuit court on a motion filed under section 10 of this Act, as well as error in the report by the commissioners and judgment thereon."

Section 3. The amendment made by Section 1 of this Act shall not apply to any case as to which notice of appeal was filed before the effective date of this Act. The amendment made by Section 2 of this Act shall however apply to pending cases.

Section 4. This act shall take effect upon its passage and approval by the governor, or its otherwise becoming a law.

Approved February 24, 1959.
Time: 9:13 A. M.

Act No. 77

H. 66—Perry, Rast, Sessions, Hawkins,
Locke, Edwards, Morrow

AN ACT

Relating to the Intermediate Civil Court of Birmingham and without limiting the comprehensiveness or generality of the foregoing portion of this title, to create an additional judgeship of such Court, and to change the name of such Court to the Jefferson County Civil Court.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be two judges of the court heretofore known as the Intermediate Civil Court of Birmingham. The term of the judge now serving as judge of said Court shall continue as heretofore provided by law and he shall be the Presiding Judge of said Court. The remaining office shall be filled by an Associate Judge who shall be appointed in the manner provided by Section 6 of Act No. 363 approved September 7, 1935 (Local Acts of Alabama-1935, Page 219). The term of the Associate Judge so appointed shall continue to and include and shall expire on January 1, 1963. Commencing on January 2, 1963, the term of the Associate Judge of said Court shall be for a period of four (4) years and until his successor is appointed and qualified. The Presiding Judge shall always be the Judge of said Court who is senior in

point of service on said Court. The Presiding Judge of said Court shall make any and all necessary rules for the conduct of said Court and the Officers thereof, for the filing and trying of cases, and shall distribute the work of the court between the judges thereof. The Associate Judge shall preside over said Court in the absence of the Presiding Judge.

Section 2. The name of the Intermediate Civil Court of Birmingham shall be changed to and shall hereafter be the Jefferson County Civil Court.

Section 3. The salary of the Presiding Judge shall remain as fixed by law, (Act No. 468, approved September 6, 1957, Acts of Alabama of 1957, Page 646). The Associate Judge shall receive an annual salary of Ten Thousand (\$10,000) Dollars, payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama. The rights, privileges and duties of the Associate Judge shall be the same as those prescribed for the Presiding Judge except as same may be in conflict with the provisions of this Act.

Section 4. It shall be the duty of the County Commission or other appropriate governing body of Jefferson County, Alabama, to provide an additional suitable place in the Courthouse of Jefferson County, Alabama, for the Associate Judge to hold court.

Section 5. The provisions of all prior Acts now in force relating to said Court not in conflict with this Act shall remain in full force and effect.

Section 6. The senior Judge of said court shall have and exercise whatever appointive power is now vested in the Judge of said Court.

Section 7. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved February 24, 1959.

Time: 9:14 A. M.

Act No. 78

H. 67—Broadfoot, Long (Lauderdale)

AN ACT

To amend Section 28 of an Act Entitled, An Act "To Establish a Law and Equity Court for Lauderdale County, to define its jurisdiction and powers; to provide for its officers, their duties and powers and compensation; to provide for trial tax and other fees; to provide that said Court shall be open at all times for the trial of cases and transactions of business; prescribing rules and procedure for said Court; to provide for an official Court Reporter for said Court and fix his compensation; and to provide for the transfer of causes now or hereafter pending in the County and Circuit Courts of Lauderdale County, Alabama, to the Law and

Equity Court of Lauderdale County; to abolish the County Court of Lauderdale County and the office of Deputy Solicitor for Lauderdale County," approved May 29, 1931, as amended by Act of the Legislature approved July 7, 1947, and as further amended by Act of the Legislature approved May 30, 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section Twenty Eight of said Act, approved May 29, 1931, as amended by Act of the Legislature approved July 7, 1947, and as further amended by Act of the Legislature approved May 30, 1951, shall be and is amended so as to read as follows: Section Twenty Eight: The Judge of said Court shall secure the services of a competent shorthand writer to attend the terms of the Court and report in shorthand all the cases tried in said Court and during the time he or she is an officer of this Court, and he or she shall receive a salary to be fixed by the Judge of said Court and not to exceed Three Hundred Dollars per month and said salary shall be paid in monthly installments at the end of each month, or semi-monthly at the election of said reporter and shall be paid from the funds of the County drawn thereon by the Judge of this Court in the same manner as the salaries of the Judge and Solicitor are paid; provided, however, that the Judge of this Court shall have the right to remove said reporter from office at his pleasure, and when not actually engaged in the work of the Court as reporter, he or she shall serve as office stenographer and attendant to said Judge in his office. In addition to the compensation herein provided, said reporter shall be entitled to tax and collect from the litigant or attorneys for whom he or she is making a transcript of the evidence, the sum of fifteen cents per hundred words for said transcript and five cents per hundred words for each copy thereof, and when such transcript is made the reporter shall append thereto his or her certificate to the correctness of the same as such official reporter. The Stenographer's notes shall be preserved and filed as now provided by law in the Circuit Courts.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:15 A. M.

Act No. 79

H. 69—Roberts, Reynolds (Madison)

AN ACT

To authorize any county or municipality to make appropriations to any state institution of higher learning for payment of all or any part

of the costs of any educational building or other educational facility of such institution, and to make donations of property to any such institution for use as an educational facility, or part thereof, of such institution; to authorize any county or municipality to issue interest bearing warrants for the purpose of paying all or any part of the costs of any educational building or other educational facility of a state institution of higher learning; to provide that any such warrants shall constitute general obligations of such county or municipality and may be secured by a special pledge of tax proceeds; to provide that warrants issued by any county under this act shall constitute preferred claims against the county having the same priority as interest on bonds; to provide that issuance of warrants by a county under this act shall be deemed to constitute an audit or allowance of claims and that said claims need not be proved or registered; and to provide that warrants issued by any county under this act shall not be subject to the provisions of Section 78 of Title 12 of the Code of Alabama of 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases, wherever used in this act, shall have the following respective meanings: "Local subdivision" means any county or municipality in the State of Alabama. "State educational institution" means any of the following: The Board of Trustees of the University of Alabama; The Alabama Polytechnic Institute; Alabama College; and each of the state institutions of higher learning that are under the direction and control of the State Board of Education, including the state colleges formerly known as teachers' colleges and the Alabama Agricultural and Mechanical College. "Educational facility" means any educational building, educational center, or other structure for educational purposes, including the land on which it is or is proposed to be located.

Section 2. Authorization of Appropriations and Donations to State Educational Institutions. Any local subdivision shall have the power to make from time to time appropriations, from any of its funds not required by law to be devoted to some other purpose, to any state educational institution for the purpose of paying all or any part of the costs of the acquisition, by construction or otherwise, of an educational facility to be owned and operated by such state educational institution; and any local subdivision shall have the power also to donate any of its properties that are not required by law to be used for some other purpose to any state educational institution for use as an educational facility to be owned and operated by such state educational institution, or as a part of such an educational facility.

Section 3. Authorization of Issuance of Warrants. Each local subdivision shall have the power from time to time to sell and issue interest bearing warrants of such local subdivision for the purpose of raising funds to pay all or any part of the costs of the acquisition by a state educational institution, by construction or otherwise, of any educational facility. Such warrants shall be in such denomination or denominations, may have such maturity or

maturities not exceeding thirty years from their date, may bear interest from their date at such rate or rates not exceeding 6% per annum payable semiannually and evidenced in such manner, may be payable at such place or places within or without the state, may be sold at such time or times and in such manner, may be executed in such manner, and may contain such terms and provisions not inconsistent with the provisions of this act, all as the governing body of such local subdivision may provide in the proceedings whereunder the warrants are authorized to be issued. All such warrants shall evidence general obligation indebtedness of the local subdivision by which they are issued, and the full faith and credit of the local subdivision shall be irrevocably pledged for payment of the principal thereof and interest thereon. The proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they are authorized in said proceedings to be issued.

Section 4. Authorization of Special Pledge. As security for the payment of the principal of and interest on any warrants issued under the provisions of this act, the local subdivision issuing such warrants may, in the discretion of its governing body, specially pledge for payment of such principal and interest at their respective maturities the proceeds of any ad valorem, privilege, license, excise or other tax the proceeds of which are subject to the control of such local subdivision and are not required by law to be devoted to some other purpose.

Section 5. Warrants Issued Hereunder by a County to Constitute a Preferred Claim; and Issuance Thereof to Constitute Audit and Allowance of Such Claim. Any warrants and the interest coupons applicable thereto issued by a county under the provisions of this act shall constitute preferred claims against the issuing county, having the same priority, under Section 121 of Title 12 of the Code of Alabama of 1940, as amended, as interest on bonds. The issuance hereunder of any warrants and interest coupons by a county, pursuant to the authorization by its governing body, shall be deemed to constitute an audit and allowance by such governing body of claims, in the total amount of such warrants and coupons, against such county and against any tax proceeds pledged therefor pursuant to the provisions of this act, and no other audit or allowance of such claims and no proof or registration thereof shall be required.

Section 6. Provisions Hereof Control Over Inconsistent Legislation. In so far as the provisions of this act may be inconsistent with the provisions of any other law, the provisions of this act shall control, it being hereby declared that the provisions of Section 78 of Title 12 of the Code of Alabama of 1940 shall not be applicable to warrants issued by any county under the provisions of this act.

Section 7. Legislative Interpretation. Warrants issued by a municipality under the provisions of this act shall be deemed to constitute obligations issued for the purpose of acquiring, providing, or constructing school houses within the meaning of Section 225 of the Constitution of Alabama of 1901.

Section 8. Powers Conferred Hereby Cumulative. The powers conferred by this act shall be in addition to all powers conferred upon any local subdivision by any other law.

Section 9. Severability. If any section, clause or provision of this act should be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other clause or provision that is not in and of itself invalid.

Approved February 24, 1959.
Time: 9:21 A. M.

Act No. 80

H. 70—Roberts, Reynolds (Madison)

AN ACT

To provide that the judges of probate of all counties having a population of not less than 65,000 nor more than 75,000 according to the last or any subsequent federal decennial census, shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to the county, and (5) administering an affidavit.

Be It Enacted by the Legislature of Alabama:

Section 1. The judges of probate of all counties having a population of not less than 65,000 nor more than 75,000, according to the last or any subsequent federal decennial census, shall not charge or collect a fee for either of the following services namely: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to the county, and (5) administering an affidavit.

Section 2. This act shall become effective immediately.

Approved February 24, 1959.
Time: 9:20 A. M.

Act No. 81

H. 71—Brewer, Gilchrist

AN ACT

To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Beginning at the southeast corner of the NW $\frac{1}{4}$ of Section 33, Township 5 South, Range 4 West and running west 10 feet to a point on the west margin of Meadowbrook Road, the true point of beginning; thence running northerly along the west margin of Meadowbrook Road 1144.49 feet to a point; thence turning an angle of 180 degrees 15 minutes measured clockwise from back tangent and running northerly along said Meadowbrook Road a distance of 153.82 feet to a point on the south margin of Brookmead Road; thence turning an angle of 90 degrees and running westerly along the south margin of Brookmead Road 324.80 feet to a point; thence turning an angle of 90 degrees 00 minutes 30 seconds measured clockwise from back tangent and running southerly 1282.06 feet to a point; thence turning an angle of 90 degrees 40 minutes 30 seconds measured counter-clockwise from back tangent and running westerly 25 feet to a point; thence turning an angle of 90 degrees 40 minutes 30 seconds measured clockwise from back tangent and running southerly 20 feet to a point on the south margin of the NW $\frac{1}{4}$ of said Section 33; thence turning an angle of 89 degrees 19 minutes 30 seconds measured clockwise from back tangent and running easterly along the south margin of the NW $\frac{1}{4}$ of Section 33, a distance of 355 feet to the true point of beginning.

All the herein described land lying and being in the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33, Township 5 South, Range 4 West, Morgan County, Alabama, and containing 9.77 acres.

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved February 24, 1959.
Time: 9:11 A. M.

Act No. 82

H. 72—Callahan, Ferguson

AN ACT

To apply in all those counties in Alabama having a population of not less than 94,000 nor more than 134,000 according to the last or any subsequent Federal decennial census and to authorize the employment of a stenographic secretary by the Judge of the Inferior Court in such counties and authorizing the payment of the salary of such stenographic secretary out of the Treasury of such counties and to repeal all laws and parts of laws inconsistent with this Act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This Act shall apply in all counties of this state having a population of not less than 94,000 nor more than 134,000 according to the latest or any subsequent Federal decennial census.

SECTION 2. The Judge of the Inferior Court of all counties coming within the purview of this Act, having such courts, may employ a stenographic secretary, whose salary shall be fixed by him at an amount not to exceed \$3000.00 per annum to be paid in equal monthly installments out of the Treasury of such counties.

SECTION 3. All laws and parts of laws in conflict with this Act, local, general or special in so far as they conflict with this Act are hereby expressly repealed.

SECTION 4. This Act shall become effective on the first day of the month immediately following its passage and approval by the Governor or its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:08 A. M.

Act No. 83

H. J. R. 31—Nettles, Oakley

HOUSE JOINT RESOLUTION

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bill, S. B. 13, relating to Wilcox County, which has passed both Houses be designated "The Oakley, Nettles, and Cooper Bill."

Approved February 24, 1959.

Time: 9:41 A. M.

Act No. 84

S. J. R. 7—Hines

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bill, H. B. 37, relating to the Albert Patterson Highway which has passed both Houses, shall be known as and designated "The Jenkins, Smith (Russell), Hearn, Roberts, Reynolds (Madison), Cornett, McClendon (Chambers), Merrill, Casey, Albea, Copeland, Hanby, Torbert, Turnham, Reynolds (Chambers), Solomon, Chambers, Thomas, Lee, Adams (Houston), and Hines, Shelton, Wyatt, Samford, Farmer, Clark, Archer, Word, and Gaither Bill."

Approved February 24, 1959.

Time: 9:40 A. M.

Act No. 85

S. J. R. 8—Dumas

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House of Representatives concurring, that Senate Bill No. 7, entitled an act "To authorize the governing body of each county to expend the proceeds of the state gasoline tax levied by Title 51, Section 647, Alabama Code of 1940, as amended, distributed to such county pursuant to Title 51, Sections 655 and 657, Alabama Code of 1940, as amended, for construction and maintenance of streets within the corporate limits of any municipality within such county," which was passed by the House of Representatives on February 18, 1959, be known and designated as the "Morrow, Jones (Monroe), Cabiness, Speaks, Gross, Long (Perry), Edwards, Hawkins, Rast, Sessions, Grouby, Locke, Perry, Dumas, Gaither, Archer, Cooper, deGrafenried, Leonard Act."

Approved February 24, 1959.

Time: 9:35 A. M.

Act No. 86

S. J. R. 9—Robison

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the members of the Legislature do hereby extend their most sincere thanks to Mr. Frank S. Harris, Executive Vice President of the Alabama Savings and Loan League, for the delightful buffet supper and reception enjoyed by them last Monday evening, February 16, at the Montgomery Country Club in Montgomery.

Approved February 24, 1959.

Time: 9:32 A. M.

Act No. 87

S. 13—Cooper

AN ACT

Providing for the reuniting of separated families, and voluntary resettlement of certain unemployed citizens of Wilcox County; authorizing the county to undertake a voluntary resettlement program whenever the program is approved at a referendum; providing for the ordering and holding of the referendum; providing for the financing of the program; providing for the establishment of a county voluntary resettlement committee, and prescribing its powers and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of

revenue or like governing body of Wilcox County may order an election to determine whether or not financial assistance shall be provided for the voluntary resettlement of unemployed citizens of the county, in the manner hereinafter provided in this Act. The sheriff must give notice at least thirty days before any election to be held under this Act, by publication in some newspaper in the county, if any is published therein, and if not, by written notice posted at the court house door, and at three other public places in the county, of the time of holding and the purpose of the election. The court of county commissioners, board of revenue or like governing body of the county shall provide for the holding of the election on the date specified in the notice. If the question of participating in the voluntary resettlement program fails to carry at any such election, that fact shall not preclude the submission of the question to the voters at subsequent elections held in accordance with this Act.

Section 2. The court of county commissioners, board of revenue or like governing body of Wilcox County shall declare the result of the election, and if a majority of the electors voting on the question have voted in favor of the voluntary resettlement program, the court of county commissioners, board of revenue or like governing body of the county may appropriate from the general funds of the county, or from any funds available to the county for public welfare purposes, a sum to pay the transportation and resettlement expenses of any unemployed resident of the county who qualifies for resettlement under the provisions of this Act. The funds so appropriated shall be expended as provided herein by a county voluntary resettlement committee, which shall be composed of the circuit solicitor of the county, acting as chairman; or in the event the circuit solicitor is not a resident of Wilcox County, then the county governing body shall designate and appoint a citizen of the county to serve as a member of the committee and as chairman of such; and the probate judge of the county who shall act as associate member of the committee, and the circuit clerk who shall act as associate member of and Secretary-Treasurer of said committee.

Section 3. All persons who are recipients of the State and County Departments of Pensions and Security under the provisions of Section 13 of Act No. 703, General Acts of Alabama 1951, p. 1211, may make application to the County Voluntary Resettlement Committee for funds sufficient to pay the transportation expenses of such person and his or her dependents to any place outside of the State of Alabama. Such applications shall state that the applicant voluntary intends to change his residence to a certain locality outside the State of Alabama and that he desires and needs the assistance of the County Resettlement Committee in making this change of residence. Such application shall be made public record.

The County Resettlement Committee shall consider each application and base its approval on need and upon funds available.

Upon approval of the application hereinabove provided for by the County Voluntary Resettlement Committee, the Secretary-Treasurer of said Committee is authorized to make arrangements for transportation of the applicant and his dependents to such destination as may be approved by said Committee and to expend such funds as may be appropriated therefor.

Subsequent to such removal, the department of pensions and security shall make assistance payments to or on behalf of the expatriate in such amounts and for such period of time as the expatriate may be entitled by law and applicable rules and regulations of the department of pensions and security. Following the termination of regular assistance payments by the department of pensions and security, the Commissioner of pensions and security, upon request of the Director of the Wilcox County department of pensions and security, and with the approval of the State Board of Pensions and Security, is authorized to have monthly payments made from any state funds available for such purpose to or on behalf of the expatriate in an amount not in excess of the last regular monthly assistance payment received by the expatriate from the department of pensions and security. Such monthly payments may be continued for a period of time which, when added to the number of regular monthly assistance payments received from the department of pensions and security after removal from the State, will not exceed a total of thirteen months.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:09 A. M.

Act No. 88

H. 74—Long (Perry), Barnett, Hain, Merrill, Ashworth, Callahan, Avery

AN ACT

Relating to privileges and immunities of members of the Legislature: prescribing the cases in which and the time when they shall be privileged from arrest and the service of process, and prescribing a penalty

for arresting or attempting to arrest or serving or attempting to serve any civil process on a member during such times.

Be It Enacted by the Legislature of Alabama:

Section 1. Members of the Legislature of Alabama shall in all cases, except treason, felony and breach of the peace be privileged from arrest and shall not be subject to service of any summons, citation or other civil process during their attendance at the session of their respective houses and in going to and returning from the same.

Section 2. Whoever knowingly and willfully denies to any member of the Legislature the privilege and immunity granted herein is guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding one thousand dollars or by imprisonment for not more than one year, or both.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:07 A. M.

Act No. 89

H. 75—Cornett, Smith (Russell)

AN ACT

Relating to Russell County: To repeal an act dated June 30, 1953, entitled "An Act relating to Russell County; creating a juvenile court; providing for the powers, duties, function and jurisdiction of the court; and providing for the election, term of office, duties and compensation of the judge of the juvenile court."; and providing for the transfer and trial of cases pending in the abolished court, and re-conferring jurisdiction of matters pertaining to juveniles to The Probate Court of Russell County as provided in General Law.

Be It Enacted by the Legislature of Alabama:

Section I. The act approved June 30, 1953 entitled "An Act relating to Russell County; creating a juvenile court; providing for the powers, duties, function and jurisdiction of the court; and providing for the election, term of office, duties and compensation of the judge of the juvenile court." (Acts of Alabama, Regular Session 1953, Volume 1, Page 198) is hereby expressly repealed.

Section II. The Judge of Probate of Russell County, Alabama, shall have and exercise in Russell County all the powers, duties and jurisdiction of juvenile courts as provided by the General Law of the State of Alabama.

Section III. The juvenile court in and for Russell County, Alabama, is hereby abolished, and all cases pending in such abolished court when this act becomes effective shall be transferred from the docket of that court to the Judge of Probate of Russell County, Alabama.

Section IV. All laws or parts of laws which conflict with this act are repealed.

Section V. This act shall become effective immediately upon its enactment or upon its otherwise becoming a law.

Approved February 24, 1959.

Time: 9:04 A. M.

Act No. 90

S. J. R. 12—deGraffenried

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING:

That in the event the Interim Committee on Revision of Laws establishes a subcommittee on voter registration and other matters within the jurisdiction of the Coordinating Committee of the Legislature, the said Coordinating Committee shall meet with such subcommittee of the Interim Committee on Revision of Laws for not less than five nor more than ten days to assist the subcommittee in the consideration of such matters. The members of the Coordinating Committee shall receive the same pay as their regular legislative per diem and expense allowance, for each day allowed herein, while in attendance at the meetings of such subcommittee and not drawing their regular legislative pay.

Approved February 24, 1959.

Time: 9:06 A. M.

Act No. 91

S. J. R. 13—Cooper, Golson, Turner, Andrews, deGraffenried, Haltom, Givhan, Farmer, Rutledge, Moses, Crawford, Clark, Word, Webb, Barnett, Graham, Dumas, Shelton, Samford, Wyatt, Gaither, Leonard, Hines, Wilson, Caffey, Eddins, Robison, Archer, Berryman, Green, Roberts and Godfrey

SENATE JOINT RESOLUTION

WHEREAS freedom of choice in association by individuals or groups is a fundamental, inalienable right, and it is this right which is being exercised in Warren County, Va., where the white residents of that county have set such a fine example for the South in refusing to return to a public high school reopened on an integrated basis under a federal court order; and

WHEREAS the people of Warren County are making a fight for the whole South in their action, which reflects their profound loyalty to traditions of the highest nature; and

WHEREAS the people of Warren County have furnished an inspired example for all the people of the South; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That this body expresses to the people of Warren County, Virginia, its feeling of deep admiration for their splendid conduct, and warmly commends them for their allegiance to principle and for their bold and courageous action.

Approved February 24, 1959.

Time: 9:05 A. M.

Act No. 92

S. 22—Webb, Turner, Barnett and Shelton

AN ACT

To amend Act No. 988, enacted by the 1951 Legislature of Alabama, entitled "An Act to amend Section 46 of Title 61 of the 1940 Code of Alabama, to provide for the probate and record in the courts of the State of Alabama of wills previously admitted to probate and record or established in courts of other states, territories, districts and countries subject to the jurisdiction of the United States of America, and of foreign countries not subject to the jurisdiction of the United States of America," approved September 12, 1951, General Acts 1951, pages 1663-65.

Be It Enacted by the Legislature of Alabama:

SECTION 1. "That an Act to amend Section 46, of Title 61 of the 1940 Code of Alabama, to provide for the probate and record in the courts of the State of Alabama, of wills previously admitted to probate and record or established in courts of other states, territories, districts and countries subject to the jurisdiction of the United States of America, and of foreign countries not subject to the jurisdiction of the United States of America." General Acts 1951, pages 1663-65, approved September 12, 1951, be amended so as to read as follows:

"SECTION 46. (10620) (6191) (4282) (1985) (2313) (1949) (1630) How will proved out of, probated in this state.—When the testator was not, at the time of his or her death, an inhabitant of this state, but was an inhabitant of some other state or territory of

the United States of America, or of some other territory, district or country subject to the jurisdiction of the United States of America, and his or her will has been duly proved in any other state of the United States of America, or in any territory, district or country subject to the jurisdiction of the United States of America, it may be admitted to probate in the proper court of this state in the manner following: If the will has been admitted to probate out of the State of Alabama, but within another state of the United States of America, or within any territory, district or country subject to the jurisdiction of the United States of America, such will, or copy of the same, and the probate thereof must be certified and authenticated as provided in section 905 of the revised statutes of the United States of America. Upon the presentation to the probate judge of any such will, already admitted to probate out of the State of Alabama, but in another state of the United States of America, or in any territory, district or country subject to the jurisdiction of the United States of America, authenticated as herein provided for, he shall, without notice or further proceedings, enter a decree admitting said will to probate, and shall record the same, together with a certificate of probate, in a record kept for that purpose. If the will has been admitted to probate elsewhere than in some other state of the United States of America, or some territory, district or country subject to the jurisdiction of the United States of America, if such will purports or undertakes to dispose of, or if it has the effect of disposing of, any land or real estate situated within the State of Alabama, such will, in order to be valid to that end, shall be probated in all respects, including notice to the next of kin of the testator or testatrix, as wills are required to be probated in the courts of the State of Alabama, upon original proceedings to probate wills in this state, and shall be subject to be contested and controverted in the same manner as wills are subject to be contested and controverted when offered or propounded for original probate and record in the courts of this state. If the will has been admitted to probate elsewhere than in some other state of the United States of America, or some territory, district or country subject to the jurisdiction of the United States of America, if such will purports or undertakes to dispose of, or if it has the effect of disposing of, any personal property situated within the State of Alabama, such will, in order to be valid to that end, shall be probated in all respects, including notice to the next of kin of the testator or testatrix, as wills are required to be probated in the courts of the State of Alabama, upon original proceedings to probate wills in this state, and shall be subject to be contested and controverted in the same manner as wills are subject to be contested and controverted when offered or propounded for original probate and record in the courts of this state."

SECTION 2. This act shall become effective upon its passage and approval or upon its otherwise becoming a law, and shall

apply to all wills heretofore or hereafter executed outside of this state.

Approved February 24, 1959.

Time: 9:00 A. M.

Act No. 93

S. 26—Archer

AN ACT

To provide that the judges of probate of all counties having a population of not less than 65,000 nor more than 75,000, according to the last or any subsequent federal decennial census, shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to the county, and (5) administering an affidavit.

Be It Enacted by the Legislature of Alabama:

Section 1. The judges of probate of all counties having a population of not less than 65,000 nor more than 75,000, according to the last or any subsequent federal decennial census, shall not charge or collect a fee for either of the following services namely: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to the county, and (5) administering an affidavit.

Section 2. This act shall become effective immediately.

Approved February 24, 1959.

Time: 9:03 A. M.

Act No. 94

S. J. R. 10—Wyatt

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Legislature of Alabama takes pride in the fact that in 1958 approximately 60,000 Alabama boys were members of that admirable organization, The Boy Scouts of America, which has for many years been a potent force in developing the youth of this country into God-fearing and patriotic citizens, equipped mentally, physically and spiritually to meet the challenge of the world.

BE IT FURTHER RESOLVED That the Boy Scouts of America, and particularly the members of such organization in Alabama, are hereby commended for their willingness and readiness to cooperate in all civic undertakings for the promotion of

public welfare and the spread of good will; and they are especially commended for the accomplishments of their "Safety Good Turn" program, which they launched to meet the challenge presented to them by President Eisenhower when he said, "We must seek new ways to save the basic resources of our nation: its people," and for the excellent presentation of the report on this program made by Gerson May, the Outstanding Boy Scout of Alabama in Safety Activities Promotion to the Lieutenant Governor during the Alabama Boy Scout Safety Recognition Ceremony at the Whitley Hotel on February 11.

Approved February 24, 1959.

Time: 9:02 A. M.

Act No. 95

S. J. R. 11—Robison

SENATE JOINT RESOLUTION

Whereas The Honorable W. Carvel Woodall had represented the Tenth District in the Senate of Alabama during the 1934-1938 term, and was representing that district for a second term in this body at the time of his death on February 19, 1959; and

Whereas his amiable disposition, and his ability, character, and unquestionable integrity earned for him the admiration and respect not only of his colleagues in the Legislature but also of all who knew him; and

Whereas his untimely death is deeply mourned by the members of the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature express their deep regret at the passing of The Honorable W. Carvel Woodall, Senator from the Tenth District, and do hereby extend their sincere sympathy to the surviving members of his family.

Be it further resolved, that a separate page of the journal of the Senate be set aside for the preservation of this resolution and as a memorial to The Honorable W. Carvel Woodall.

And be it further resolved, that the Secretary of the Senate transmit a copy of this resolution to the family of the deceased.

Approved February 24, 1959.

Time: 9:01 A. M.

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
SECOND SPECIAL SESSION OF 1959
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING WEDNESDAY, JUNE 24, 1959



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

JOHN PATTERSON, Governor
ALBERT BOUTWELL, Lieutenant Governor
VAUGHAN HILL ROBISON, President Pro Tem. of the Senate
CHAS. C. ADAMS, Speaker of the House
VIRGIS M. ASHWORTH, Speaker Pro Tem. of the House
J. E. SPEIGHT, Secretary of the Senate
OAKLEY MELTON, JR., Clerk of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1959 Second Special Session of the Legislature of Alabama and is the official publication of such acts.

Bettye Frink,
Secretary of State.

**MESSAGE OF GOVERNOR JOHN PATTERSON
TO JOINT SESSION OF THE ALABAMA LEGISLATURE
AT SECOND SPECIAL SESSION, JUNE 24, 1959**

Lt. Governor Boutwell, Mr. Speaker, Members of the Joint Session of the Alabama Legislature:

I am honored to have the privilege of addressing you again as Chief Executive of our state. It was with a feeling of reluctance that I called you together in extraordinary session at this time. However, I feel that the importance of the matters upon which you are called to legislate will be fully recognized and will justify my action in calling you together. It was only after the most careful consideration, with due regard to the public interest and to public opinion, as I interpret it, that I reached the conclusion that the best welfare of our state demanded that you be called together in special session. The importance of the matters designated in the proclamation calling you together, I feel, will be recognized as fully justifying the expense incurred by the state and the sacrifice and inconvenience to which you are subjected.

Before discussing in detail the reasons for issuing the proclamation calling you into extraordinary session, I wish to express my appreciation to you for the outstanding work that you have done thus far in your deliberations. You are to be commended for your many legislative accomplishments. Your work in the first special session is worthy of the highest commendation and as a result of the legislation you passed, we are going to have the finest highway program in the history of our state. You have already taken great strides in enacting statutes to improve our competitive bid laws. Already you have a good small loan regulatory law on the calendar in the House of Representatives and this is the first time that such a measure has reached the floor of the Legislature in almost twenty-five years. You are in the process of enacting stronger laws to maintain segregation of the races in our public schools. You have enacted in record time a good General Appropriation Bill which will enable us to carry on the functions of our state government for the next biennium in an efficient and progressive manner. For this splendid record that you have made, you are deserving of the highest praise from our people.

I have enjoyed working with you and I am grateful for your cooperation. I am looking forward to working closely with you in the interest of all our citizens during the months ahead, and I know that by working together in a spirit of good will and cooperation, and by putting the interest of the people above all else,

we are going to accomplish even greater things for our state during the remainder of this administration.

I am pleased to report that all departments of the state government are operating smoothly and efficiently. Our State Docks Department is operating in a business-like manner and is making a substantial profit. Our Conservation Department is progressing nicely and the Seafoods Division is back on its feet and carrying out its duties. Our Highway Department is carrying out the finest highway program that this state has ever seen. Aided by your appropriation I feel confident that we will be able to substantially increase old age pensions and other benefits to the recipients of public assistance during the coming months. Your appropriations for the eleemosynary institutions of the state have been liberal and will accomplish much good. The increase in appropriations to Bryce Hospital and Partlow School will enable the trustees of those institutions to render much greater service to the poor and unfortunate. Your generous appropriation to the Department of Public Safety will make it possible to raise the salaries of some of our highway patrolmen, thus improving the morale and efficiency of that splendid law enforcement body. Your generous appropriation to the Agriculture and Conservation Departments will make it possible for us to render greater service to our citizens. I am pleased to report that we are making splendid progress in obtaining new business and industry for our state. Several new industries have located in Alabama since I took office and several industries already here have embarked on programs of expansion. I am happy to report that the financial condition of the state is sound and I feel that we are making tremendous progress in all fields of endeavor.

Pursuant to the authority granted to me as Governor by the Constitution, I heretofore issued a proclamation calling you into this extraordinary session due to the existence of an emergency in our state government which requires your immediate attention and action. A serious emergency exists in Alabama in the field of public education. Our public school system faces the greatest financial crisis in its history. Something must be done at once to alleviate this situation.

I wish to thank you for recessing the regular session of the Legislature to enable me to call you into special session and thereby give first priority to the problem of public education. Many of you have important bills which you are anxious to have passed in the regular session and I sincerely appreciate your foregoing the consideration of these bills at present so that we can have this special session.

If we fail to take prompt and immediate action to correct the financial plight of our public school system, we might well see it collapse. The matter of most urgent need is the increase of salaries for teachers in the public schools and institutions of higher learning. Salaries paid school teachers should be sufficient to attract and hold good teachers and should be sufficient to permit teachers to maintain a standard of living on the level with their expected status in the community. Their salaries should be such that college graduates will be attracted to teaching as a career. Teachers' salaries in Alabama are woefully inadequate. Alabama ranks near the bottom in the United States in average salaries paid to teachers in our public school system. We are losing teachers to other states which pay higher salaries, and to other types of employment where higher earnings prevail. Not only is Alabama near the bottom as far as the nation as a whole is concerned, but the teachers' salaries in the state are below those paid in other states in the southeastern part of our nation. For instance, during the year 1956-57, 1,063 Alabama prepared and educated teachers applied for teachers' certificates in Florida. Over 95% of these applicants were employed in the Florida public school system. Alabama cannot long stand this loss. It is imperative that we take prompt action to raise the teachers' salaries of this state to at least the southeastern average.

There is an acute shortage of teachers in this state. This is due to the steadily increasing enrollment in our public schools on all levels. In almost every community the load on the teacher is almost twice what it should be and as a result the student suffers because he fails to get the individual instruction that he needs and to which he is entitled. The school enrollment is increasing each year and this problem is becoming particularly acute in the institutions of higher learning. In order to provide for these increases in enrollment, it is of major importance that additional teachers be employed. In almost every community school buildings are in desperate need of repairs. In many cases the school buildings have been condemned, are unsanitary, and constitute fire traps. We are sending our children to schools in many communities in buildings so run down and dilapidated that we wouldn't think of keeping our cattle in them. Many of our school buildings still have pot-bellied stoves, out-door and unsanitary toilets and inadequate drinking facilities. Many of our school buildings have leaking roofs and the school officials have no money to repair them. I know of these conditions from my own personal knowledge. In recent months, and particularly during my campaign for Governor, I visited in many school houses that were in such a state as I have described. We need additional

classrooms, many new school buildings and more adequate school facilities. We need modern up-to-date laboratories. Many high schools do not have laboratory facilities to teach chemistry and physics and to fail to provide these facilities for our children in this atomic age that we live in is sheer folly.

We are in desperate need of additional funds to replace worn out school buses which are used to transport our children from their rural homes to the schools. We need additional funds to buy more school buses as we have at present a serious problem of over-crowding on the school buses, which, as you know, is extremely dangerous. For the safety of our school children we need better pay for our school bus drivers. Library facilities must be enlarged at almost all institutions and this is particularly true at Auburn.

Additional funds are needed for maintenance of school buildings, for the purchase of teaching aids and school books.

The shortage of funds in our public education system has seriously weakened our system on all levels. Educational progress in our state, as a result of a shortage of funds, is rapidly coming to a halt. This is truly an emergency and is the reason why I called you into special session.

Throughout this state there is an ever growing demand for more public education. Every child desires an education and we must see that he gets it. Education is the very foundation of our state. The kind of education that we provide our children today will determine the kind of citizens that they will be tomorrow and in the final analysis will determine the kind of state that we live in. If the state fulfills its responsibilities to its young people today, then in the years to come, these same young people will fulfill their duties and obligations to the state without question. In this modern world that we live in today, it is essential that our children receive an education that will enable them to compete in the fields of modern science, engineering and business. This thirst for education on the part of our young people has swelled the enrollment of our schools on all levels. If we deny to our young people the education that they seek, then we will be robbing our own children of the opportunity for success and happiness. The future frontiers of this world lie in undiscovered knowledge, scientific development, nuclear energy and outer space. Our children must be equipped with the education and knowledge required to take part in exploring these new frontiers. Our duty is plain—we must provide our children with the best education that we can within our capacity to do so.

Your Interim Committee which studied the problems of education came to the conclusion that the public schools of this state needed an additional appropriation of \$42,000,000.00 per year above what they are now receiving. There is no question about the need of our school system—the need is recognized by everybody.

The anticipated revenues coming into the Special Educational Trust Fund from all taxes now in existence for the year 1959-60 will be approximately \$119,938,500.00 and for the year 1960-61 will be \$126,463,250.00. I will recommend to you a budget calling for appropriations for education from the Special Educational Trust Fund in the amount of \$161,938,500.00 for the fiscal year 1959-60 and \$168,463,250.00 for the fiscal year 1960-61. My recommendations constitute an increase of \$42,000,000.00 more per year than is expected to come in from presently enacted revenue measures. In order to provide the additional funds necessary to meet my recommendations, I recommend that the Legislature enact the following measures:

1. A 3% sales tax on the sale of all new and used automobiles and trucks. This measure can be enacted by statute and it is anticipated that such a measure would bring in approximately \$17,350,000.00 per year.

2. A 3% gross privilege license tax on all construction contracts in excess of \$25,000.00. This measure can be enacted by statute and it is anticipated that such a measure would bring in approximately \$15,500,000.00 per year.

3. A constitutional amendment increasing the income tax on corporations from 3% to a maximum of 5% and providing that such tax be on the same graduated scale as that of individuals. This measure must be submitted to the people for a vote and if it passes it is anticipated that it would bring in an additional \$4,850,000.00 per year.

4. A constitutional amendment lowering the personal income tax exemption from \$1,500.00 per single person to \$1,000.00 and from \$3,000.00 per married couple or head of household to \$2,000.00. This measure must be submitted to the people for a vote and if it passes, it is anticipated that it would bring in an additional \$4,650,000.00 per year. In view of the fact that two of the above revenue measures recommended require a vote of the people, I will recommend to you two budgets for education. One will be an "absolute" recommendation which will be based on anticipated revenues from presently enacted laws together with

anticipated revenues from the afore-recommended revenue measures which can be enacted by statute, and the other will be a "conditional" recommendation which will include all the recommendations included in the "absolute" recommendation, plus the anticipated revenues from the afore-recommended constitutional amendments. The "conditional" recommendation is necessary due to the necessity of submitting the two constitutional amendments to a vote of the people.

I heretofore presented these recommendations to your Interim Committee on Finance and Taxation and the committee gave considerable study to my proposals along with proposed measures advanced by others. The committee gave favorable consideration to my recommendation to increase the appropriation for education by \$42,000,000.00 per year for the next biennium. The committee gave favorable consideration to my recommendation that a 3% gross privilege license tax be levied on all construction contracts in excess of \$25,000.00 but the committee changed my recommendation so as to exempt the first \$25,000.00 of all construction contracts from payment of the license. This change would result in reducing the anticipated revenues to be derived from the passage of this measure by approximately \$700,000.00 per year.

The committee gave favorable consideration to my recommendation to increase the income tax on corporations from 3% to 5%, and my recommendation to lower personal income tax exemptions. The Interim Committee reported out favorably my recommendation to place a 3% sales tax on the sale of all new and used automobiles and trucks; however, the committee in its report recommended that certain alternatives be considered. One alternative consisted of a proposal to increase the cost of the automobile license and registration fees to the cost of such license and fees in 1951. It is estimated that such a measure would bring in approximately \$8,000,000.00 more per year. It should be noted that before any funds derived from the increase in the cost of licenses and registration fees for automobiles could be used for educational purposes, a constitutional amendment would be required and the measure would have to be submitted to the people for a vote. Another alternative was a proposal to eliminate sales tax exemptions on heavy machinery. It is estimated that such a measure would bring in an additional \$18,000,000.00 per year. Another alternative consisted of a proposal to levy a 3% tax on all advertising in newspapers, magazines and on the radio and television. Another alternative consisted of a proposal to increase the tax on liquors and wines.

I respectfully request that you give serious consideration to the recommendations that I have made and also give careful consideration to the alternatives which have been proposed by your Interim Committee. If you prefer to pass revenue measures for education other than those I have recommended, I will give them careful consideration and if they are fair, just, and reasonable, I would not veto them. In my opinion, the additional \$42,000,000.00 per year for education is vitally needed and the Interim Committee agreed with me on that. I strongly urge you to enact into law my recommendations for the raising of the additional \$42,000,000.00 per year.

The proposal has been advanced by some that the state sales tax should be increased from 3% to 4% to meet the needs of education. The Interim Committee considered this but turned it down. I, too, am opposed to increasing the sales tax. The sales tax is too high already. Such an increase would not be in the best interest of the state and such a measure would place an unreasonable burden on the working man who is already heavily burdened with taxes.

I recommend the enactment of a law authorizing a revenue bond issue for school construction in the amount of \$75,000,000.00 with \$25,000,000.00 to go to institutions of higher learning and \$50,000,000.00 for elementary and secondary school construction. I recommend that \$200,000.00 be allotted to each county in the state out of the \$50,000,000.00 for school construction, and that the remainder of the \$50,000,000.00 for school construction be allotted on a 50-50 matching basis, based on a teacher-pupil unit basis. I further recommend that local school boards be authorized to pay debt service on prior bond issues out of the \$200,000.00 allotted, where such bond issue is not more than three years old. I submitted this recommendation to the Interim Committee on Finance and Taxation and the committee reported favorably on it. I will include recommendations for appropriations to finance this revenue bond issue in the budget that I will submit to you. My recommendations for appropriations from the Special Educational Trust Fund heretofore set out will include sufficient funds for the financing of this \$75,000,000.00 revenue bond issue for school construction. I recommend that the State Building Commission be authorized to administer the school construction program contemplated by this \$75,000,000.00 revenue bond issue.

I wish to again say to the educators of our state that you have a duty to use the tax money appropriated to you in such a way as to get the greatest good out of every dollar. You must analyze

your school system and eliminate all waste and overlapping. You must cut out non-essential programs. You must eliminate the frills. Our money is limited and you must therefore spend what you get on the fundamentals of education and the absolute essentials. The money that is appropriated to you is hard to come by and your needs are getting so great that the people are finding it difficult to finance their education system. Hence, if we expect to continue to have a public education system we must make every dollar count. If you do not do this, you will contribute to the destruction of the public school system.

We are all aware that the dark cloud of school integration hangs heavily over our heads. In spite of this we cannot afford to crawl back in a hole as far as public education is concerned. We must continue as long as possible to provide a public education system for our children and try to get the Negro citizens of this state to work with us and not against us; however, while we are striving to finance the type of public educational system we should have, we should carefully lay the ground work to maintain segregation in the public schools and be prepared to abandon our public school system if integration is forced upon us.

We have a duty to provide the best education possible for all our people, both white and black. We must provide equal school facilities for the Negro children, but they must be segregated. Under no circumstances would I tolerate an integrated public school. I am opposed to giving one penny of money to support an integrated school. We have no integrated schools in Alabama. We are not going to have any. We have no cases pending in court today, state or federal, where a Negro is trying to get into a white school. I hope that we don't have any. I say to you again that I will use every power at my command to resist to the utmost any attempt by the federal government or anybody else to force integration upon us and before I would submit to integration in any public school in this state, I would close that school and cut off public funds to it. You are well on the way to enacting a law authorizing the Governor to close any public school where such school can not be operated without chaos and violence. I urge you to speedily complete the enactment of that law. The people of this state recognize the duty of providing a public education to the Negro children but the people will not tolerate nor support an integrated school. I am unequivocally opposed to any integration of the races and I will never give an inch on that. It is well known that the overwhelming majority of the Negro citizens of Alabama are opposed to the integration of the races. They want to educate their chil-

dren and they want to work with us toward having a better life for themselves and toward building a greater state. A handful of race agitators cause the trouble and I want to assure you again that I will continue to wage unrelenting warfare against these agitators. As long as the Negro citizens of this state will work with us toward having a good, equal and segregated public school system for all of our children, I am willing to work night and day and do everything in my power to provide such an education for all our children, regardless of their race. However, if they turn against us and try to force integration upon us, I would scrap the public education system before I would submit to it.

I would like to call upon the Negro citizens of Alabama who are interested in the welfare of their children to work with us toward having a good public education system. However, I would like to say to the Negro citizens that if you choose to join the agitators then you will destroy the public education system and your children will suffer the consequences. As I have said many times, our race problem will never be solved by court decrees, injunctions and federal troops. It will only be solved through mutual understanding and good will among the races without outside interference and agitation. The two races must work together in a spirit of cooperation and good will. Continued animosity between the races will bring hurt to both and destruction to our public school system.

Bills will be introduced which will carry into effect the recommendations which I have made to you. I urge you to take action on the passage of these bills as soon as you possibly can. It is imperative that we take action at once to correct the financial plight of our schools and we must do so before the fall school term starts in September. I call upon you and all the citizens of this state who are interested in good schools and in educating their children to join with us now and let's get the job done. Any delay in solving this problem will cause irreparable damage to our state. Now is the time to stand up and be counted for public education. The citizens of this state and particularly the young people have their eyes upon us. They are pleading with us to help them and we cannot turn them down. Everywhere I went during the recent campaign for Governor, and I went into every community of the state, I noticed that the young people were keenly interested in getting a good education. Young people everywhere are interested in what's going on in this state and they are eager to ask questions about the future of education. They realize how much it means to them.

No state can build higher than its school system, and any state that fails to satisfy the aspirations of its young people for even the highest education and fails to take such young people into its care, then that state has failed in its duty. Our public education system should be built, and built and built, with no limit, now or ever, as far as the economy of the state will allow.

Several weeks ago I was honored by the citizens of Lawrence County by a tremendous celebration. They called it "John Patterson Day." The citizens of that fine county turned out in great numbers to see me, particularly the young people, and I was overwhelmed by their friendly feeling toward me and their hospitality. I was presented a key to the town of Town Creek at a large gathering before the Town Hall. One of the honor students from the local high school presented the key to me and on the key was inscribed, "Education Is Alabama's Greatest Need."

Gentlemen, education is truly Alabama's greatest need. The people expect it. They demand it. They are willing to pay for it. They are looking to you and me to enact the necessary legislation to provide it.

In conclusion, allow me to again express my sincere conviction that cordial relations and hearty cooperation between the Legislature and the Executive Department of the government are essential to the best interest of the state. Let us subordinate all minor considerations, all personal interests, all regional feeling to the public good and labor together for the welfare of the state and the people.

On our labors, jointly and severally, as faithful servants of the people, I invoke the blessings of Almighty God.

Thank you.

ALABAMA LAWS
and Joint Resolutions
SECOND SPECIAL SESSION, 1959

Act No. 1

H. J. R. 4—Ashworth

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the printed Acts and Journals of this Second Special Session of the 1959 Legislature be bound respectively with the printed Journals and Acts of the Organizational Session, the First Special Session and the Regular Session of 1959.

Approved June 30, 1959.

Time: 2:01 P. M.

Act No. 2

H. J. R. 5—Ashworth

HOUSE JOINT RESOLUTION

WHEREAS, the members of the Legislature were treated to two outstanding social occasions on last evening, and

WHEREAS, the first of said social events was a well-arranged and pleasant party at the Jefferson Davis Hotel, given to us by our colleagues Senators Kendall, Andrews and Clark and Representatives Thomas, Lee and Merrill, and

WHEREAS, the second of said social events was a most delicious and outstanding seafood dinner at the Montgomery Country Club, given us by the Mobile delegation, consisting of Senator Caffey and Representatives Hocklander, Murphy and Trimmier; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that:

1. The Alabama Legislature does hereby express its sincere thanks and deep appreciation to the above members, as well as all other persons who had a part in making the above mentioned events such an outstanding success.

Approved June 30, 1959.

Time: 2:02 P. M.

Act No. 3

H. J. R. 7—Pierce, Goodwyn, Bailey, Goldthwaite, Nichols, McLendon, Powell, Boyd, Adams (Tallapoosa), Ashworth, Rast, Hawkins, Torbert, Turnham, Thomas, Lee

HOUSE JOINT RESOLUTION

Whereas The Honorable James F. Hitchcock, Associate Commissioner of the Alabama Public Service Commission, was an outstanding citizen of Alabama, whose conduct and service endeared him to all who knew him and typified the highest and best in our American way of life; and

Whereas his athletic prowess, evidenced by his selection on the All-American football team of 1932, the All-American baseball team of 1933, and his election to the National Football Hall of Fame in 1954, brought fame and honor not only to himself but also to his beloved Auburn and to the people of the entire state as well; and

Whereas he served his country and his state ably and with distinction as a naval officer during World War II and as an Associate Commissioner of the Alabama Public Service Commission since 1947; and

Whereas the members of the Legislature deeply mourn the untimely passing this morning of The Honorable James F. Hitchcock; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature do hereby express their deep regret at the passing of The Honorable James F. Hitchcock and do extend their most sincere sympathy to the surviving members of his family.

And be it resolved further, that the Clerk of the House transmit a copy of this resolution to the bereaved widow, Mrs. Dorothy S. Hitchcock, at Montgomery.

Approved June 30, 1959.

Time: 2:00 P. M.

Act No. 4

H. J. R. 10—Johnson (Hardaway),
Johnston (Leonard)

HOUSE JOINT RESOLUTION

Whereas the Elmore County Band, directed by George Truman Welch, is a group of truly talented musicians, who have performed at national conventions, Blue-Grey and Gator Bowl football games, and other outstanding functions; and

Whereas the Elmore County Band is scheduled to perform at the Lions Club International Convention in New York City, on Tuesday, June 30, in a parade in competition with other high school bands from all parts of the nation; and

Whereas the selection of this band as Alabama's representative at the Lions Club International Convention is an honor well deserved by this fine group of young people; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature do hereby commend and congratulate the Elmore County Band, and its director, George Truman Welch, for their accomplishments and for their selection as Alabama's representative at the Lions Club International Convention, and offer their best wishes for the continued success of this truly outstanding group of young musicians.

Be it resolved further, that the Clerk of the House transmit a copy of this resolution to the director of the Elmore County Band, George Truman Welch, upon his return from the trip to New York.

Approved July 2, 1959.

Time: 5:40 P. M.

Act No. 5

H. J. R. 12—Callahan, Ferguson

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring, that

(1) We do hereby express our deep and sincere thanks and appreciation to Dr. William C. Menninger for his most able and outstanding address to our Joint Session on last Friday. That we also are grateful to Dr. Menninger for having taken time from his pressing schedule to be with us on this occasion.

(2) We also appreciate and express our thanks to Governor Patterson for his efforts and co-operation in arranging a breakfast for Dr. Menninger, and for also introducing him to the Alabama Legislature.

(3) We are also grateful and appreciative to the Alabama Mental Health Association for making it possible and arranging for Dr. Menninger to come to Alabama and be our guest.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives be directed to send a copy of this resolution to Dr. Menninger, Governor Patterson, and the officers of the Alabama Mental Health Association.

Approved July 2, 1959.

Time: 5:45 P. M.

Act No. 6

H. J. R. 13—Meade

HOUSE JOINT RESOLUTION

WHEREAS the impending Fourth of July holidays are fraught with danger to persons and property, and every person who takes to the highways during this period is in deadly peril; and

WHEREAS our traffic safety record can be vastly improved by careful driving and considerate action on the part of motorists; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all Alabama citizens and our guests are emphatically urged to drive carefully, especially at this time; to be cautious and prudent in the use of our highways; and let us try to have the least number of accidents and deaths of any state in the Nation.

Approved July 2, 1959.

Time: 5:50 P. M.

Act No. 7

S.J.R. 3—Porter

SENATE JOINT RESOLUTION

Whereas The Honorable Coma Garrett, Jr., judge of probate of Clarke County, passed away on Wednesday, June 24, 1959; and

Whereas Judge Garrett had a long and distinguished career as a public servant, having served as a member of the State Senate and as circuit clerk, and as judge of probate of Clarke County for more than a quarter of a century; and

Whereas the members of the Legislature wish to honor the memory of this outstanding public servant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature hereby express their deep regret at the passing of The Honorable Coma Garrett, Jr., and extend their sincere sympathy to the surviving members of his family.

Be it further resolved, that a copy of this resolution be spread upon the journal of the Senate, and that the Secretary of the Senate forward a copy hereof to the widow, Mrs. Bettye Calhoun Garrett, at Grove Hill.

Approved July 10, 1959.

Time: 5:08 P. M.

Act No. 8

H.J.R. 14—Self

HOUSE JOINT RESOLUTION

Whereas Dr. Robert Leroy Hill, prominent physician, businessman, and civic leader of Winfield, Alabama, passed away on Wednesday, July 1, 1959; and

Whereas Dr. Hill ably served in this Legislature as Representative of Marion County from 1935 until 1943; and

Whereas the members of the Legislature feel a deep sense of loss at his passing; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature hereby express their deep regret at the passing of Dr. Robert Leroy Hill, and extend their sincere sympathy to the surviving members of his family.

Be it resolved further, that a copy of this resolution be spread upon the journal of the House, and that a copy hereof be transmitted by the Clerk of the House to the family of Dr. Robert Leroy Hill.

Approved July 10, 1959.

Time: 5:09 P. M.

Act No. 9

H.J.R. 16—Reynolds (Madison), Roberts

HOUSE JOINT RESOLUTION

Thanking Major General John Bruce Medaris for his address of a Joint Session of the two houses of the Legislature of Alabama

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take pleasure in warmly commending our knowing and distinguished guest speaker of June 26, 1959, General John Bruce Medaris, who addressed a joint session of the two Houses on a subject of such vital importance to us all; and we extend to him our sincere thanks for his message and for his gracious acceptance of our invitation.

Approved July 10, 1959.

Time: 5:10 P. M.

Act No. 10

H.J.R. 17—Johnson (Elmore), Johnston

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That we note with much pleasure the fact that the proficient Elmore County Band

has placed second in competition with 91 bands from throughout the nation at the recent convention of Lions International in New York City, and we extend hearty congratulations to the members and director of this splendid organization for their triumphant success.

Approved July 10, 1959.

Time: 5:11 P. M.

Act No. 11

H.J.R. 18—Thomas, Powell, McLendon, Morrow, Johnson (Tallapoosa), Reynolds (Chambers), McClen-don, Jenkins, Nichols, Locke, Perry, Roberts, Speaks, Gilmer, Merrill, Albea, Cates, Solomon, Lee, Cook, Adams (Tallapoosa), Jones (Monroe), Chambers, Faulk

HOUSE JOINT RESOLUTION

Whereas the cotton textile industry is a major Alabama industry in the employment of people, in the use of capital, and in consuming a major Alabama farm product, cotton; and

Whereas the textile industry is of immense concern to farmers, bankers, merchants, and many others not directly connected with the textile industry; and

Whereas the textile industry is now in an untenable position due to foreign advantages in the form of much cheaper cotton and also much lower wages, with the average hourly wage in foreign textile mills being about one tenth of American wages; and

Whereas the U. S. export subsidy on American cotton will be increased to eight cents a pound effective August 1, 1959, thereby placing American mills at a still greater disadvantage; and

Whereas Section 22 of the Agricultural Adjustment Act of 1933, as amended, authorizes and directs the Secretary of the U. S. Department of Agriculture and the President of the United States to act when it becomes known that any industry is placed at an unfair and destructive disadvantage; and

Whereas the manufacturers of cotton textiles are now not only at an unfair and destructive disadvantage but in a position that is both unreasonable and intolerable:

Now, therefore, be it resolved by the House of Representatives of the Legislature of Alabama, with the concurrence of the Senate of said body, that we respectfully request the Secretary of Agriculture and the President of the United States to act immediately

in assembling essential facts and then use them in proper action in behalf of the textile industry under existing laws. Unless this is done immediately untold harm and irreparable losses are inevitable in addition to severe losses already suffered. If existing laws are not adequate (We believe that they are adequate) new laws should be enacted promptly.

Resolved further that one copy of this resolution be sent at once to the President of the United States, one to the Secretary of the U. S. Department of Agriculture, and one to each member of the Alabama delegation in Congress with an urgent request that they take immediate steps to cause its activation in behalf of an industry that is of tremendous importance to the welfare and the total economy of Alabama and many other states.

Approved July 10, 1959.

Time: 5:12 P. M.

Act No. 12

H. 36—Johnson (Elmore), Johnston (Elmore)

AN ACT

To alter, re-arrange, and extend the boundaries and corporate limits of the town of Eclectic, Elmore County, so as to annex certain territory in Sections 14, 15, 22, and 23, T. 19, N. R. 20 E, to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the town of Eclectic are hereby altered, re-arranged, and extended so as to include within such boundaries and corporate limits the following described territory in addition to the territory presently embraced therein, to-wit:

A tract of land 1000 feet wide on each side of center line of State Highway No. 63. The center line of said highway and tract of land being described as beginning of the point of intersection of said center line and the old Eclectic city limits. Said point of beginning being 157 feet S.86°45'W., thence 300 feet S.1°00'W., thence 650.2 feet S.27°10'W. of the S.E. corner of the S.W.¼ of the N.W.¼ of Section 14, T.19N.R.20E., thence from said point of beginning 442.9 feet, S.29°32'W., thence 175.5 feet S. 24°57'W., thence 121.3 feet S.20°47'W., thence 120.0 feet S.17°01'W., thence 149.7 feet S.12°33'W., thence 605.5 feet S.10°05'W., thence 292.9 feet S.8°25'W., thence 146.2 feet S.5°48'W., thence 161.1 feet S.2°34'W., thence 386.1 feet S.0°06'E., thence 170.0 feet S.1°43'E., thence 182.2 feet S.0°37'W., thence 176.3 feet S.4°30'W., thence 188.4 feet S.8°05'W., thence 2049.4 feet S.11°31'W., thence 321.5 feet S.12°56'W., thence 201.5 feet S.13°34'W., thence 123.2 feet S.16°42'W., thence 150.0 feet S.18°38'W. to the point of ending. All in Sections 14, 22 and 23, T.19N.R.20E. Elmore County, Alabama.

A tract of land 1000 feet wide on each side of the center line of the Eclectic-Salem Church paved county road. The center line of said road and the tract of land being described as beginning at the point of intersection of said center line and the old Eclectic city limits. Said point of beginning being 556.0 feet S.86°45'W., thence 165.2 feet N.11°00'W., thence 733.8 feet S.64°30'W. of the S.E. corner of the S. W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 14, T.19 N.R. 20E., thence from said point of beginning 170.9 feet S.52°24'W., thence 1319.5 feet S.50°24'W., thence 257.9 feet S.47°59'W., thence 336.1 feet S.47°20'W., thence 145.5 feet S.43°50'W., thence 127.7 feet S. 36°10'W., thence 145.9 feet S.26°34'W., thence 136.4 feet S.18°45' W., thence 184.0 feet S.13°39'W., thence 101.8 feet S.23°15'W. to the point of ending. All in Sections 14 and 15, T.19N.R.20 E., Elmore County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1959.

Time: 3:40 P. M.

Act No. 13

H. 31—Callahan, Ferguson

AN ACT

To apply in all counties in this state having a population of not less than ninety-four thousand, and not more than one hundred thirty-four thousand, according to the latest or any subsequent federal decennial census, and to provide for and authorize the introduction in evidence in any court in Alabama in such counties, when relevant and material, certified copies of hospital records or any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, sickness, disease, mental and physical disorders, damages, duration and character of disabilities, diagnosis, prognosis, progress, operations, incisions, injuries, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, treatment and care and charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, when the custodian of such hospital records certifies and affirms in writing that the same are an exact, full, true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but they shall not affect their admissibility; and to provide for the cost and the taxing thereof for said copy and certificate and affirmance in writing thereto and the filing of said copy with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in all those counties in Alabama now having a population of not less than ninety-four thousand, and not more than one hundred thirty-four thousand, according to the latest or any subsequent federal decennial census, and that when the original would be relevant and material in any suit or proceeding in a court of Alabama in any such county, a certified copy of the hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, including records of admission, medical, hospital, occupational, disease, injury and disability histories, temperature and other charts, X-Rays and written interpretations thereof, pictures, photographs, files, written orders, directions, findings and reports and interpretations of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as of all employees of such hospital, forming a part of such hospital records as to the health, condition, state, injuries, sickness, disease, mental, physical and nervous disorders, duration and character of disabilities, diagnosis, prognosis, progress, wounds, cuts, contusions, lacerations, breaks, loss of blood, incisions, operations, injuries, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, supplies, treatment and care and the cost, expenses, fees and charges therefor and thereof, a part of or shown on or in said hospital records of any patient in said hospital when certified and affirmed by the custodian of said hospital records as herein provided, shall be admissible in evidence without further proof in any court in Alabama in any such county where material and relevant, if and when said hospital records were made and kept in the usual and regular course of business of said hospital and it was in the regular course of business of said hospital to make and keep said records and that said records were made at the time of such acts, transactions, occurrences or events therein referred to occurred or arose or were made, or within a reasonable time thereafter.

Section 2. A certified copy of said hospital records may be procured by any litigant in any court of competent jurisdiction in Alabama in any such county by subpoena duces tecum and when any such subpoena duces tecum is issued for said hospital records the custodian of said hospital records shall prepare a copy of said hospital records as herein provided and securely seal the same in an envelope or other container and date and fill out and sign a certificate in substantially the form in this Act provided and place on, or securely fasten said certificate to the outside of said envelope or container in which said copy of said hospital records are placed and deliver the same to the Clerk or Register of the Court hearing or to hear or to try the suit or proceeding in which the records are sought and he shall not otherwise be required to appear in Court unless thereafter ordered to do so by the Court.

Said envelope or container in which the copy of the hospital records are enclosed shall not be opened until ordered published by the Court trying the case at the time of the trial. When so prepared and certified the copy of said hospital records shall be admissible in evidence in any court in Alabama in any such county, if and when relevant and material, in prima facie proof of the facts therein shown just as if otherwise verified and just as if the copy was the original. The copy of the hospital records may be photostated, photographed or made by microphotographic plate or film or otherwise made so long as clear and easily legible. All the circumstances of the making of such hospital records, including lack of personal knowledge of the entrant or maker of such hospital records may otherwise be shown to affect the weight of such hospital records but this shall not affect their admissibility.

For preparing a copy of such hospital records the Clerk or Register shall tax as costs twenty-five cents for each page of said hospital records and \$2.50 for making the certificate affixed or appended thereto which charges shall be taxed as costs in the suit or proceeding and said costs shall abide the result of the suit or proceeding.

Section 3. The certificate of the custodian of the hospital records herein provided for shall show the name of the parties to the suit or proceeding and the name of the Court to which made, by appropriate caption, and said certificate shall be in form in substance as follows, to-wit:

I, _____ hereby certify and affirm in writing that I am _____ of the _____ Hospital, a hospital organized or operated pursuant to or under the laws of Alabama, located at _____, Alabama, and that I am the custodian of the hospital records of said hospital and that the within copy of said hospital records are an exact, full, true and correct copy of said hospital records pertaining to _____.

I further certify that I am familiar with and know, and knew when made and charged, the reasonable value and price for the various charges made and shown in said hospital records pertaining to _____ and that said charges are in my judgment just, reasonable and proper and in keeping with those generally charged in the county and community where said hospital is located.

All of which I hereby certify and affirm on this _____ day of _____, 19_____.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1959.

Time: 3:30 P. M.

Act No. 14

H. 52—Hocklander, Trimmier, Smith (Russell), Murphy, Brannan, Oden, Calahan, Pierce, Jones (Covington), Cates, Pruitt, Goodwyn, Hain, Adams (Houston), Ashworth, Bounds, Boyd, Faulk, Cornett, Meade, Jones (Monroe), McCorquodale, Bailey, Dickson, Oakley, Lee, Albea, Ingram, Torbert, Hanby, Copeland, Johnson (Tallapoosa), Rast, Sessions, Dodd, Bishop, Broadfoot, Phillips, Casey, Nettles, Daniel, Grant, Britton, Bassett, Edwards, Reynolds (Chambers), Turner, Salter, Thomas

AN ACT

To amend Section 1 of Act No. 211, adopted at the 1947 Regular Session of the Legislature of Alabama, approved on July 24, 1947 and entitled "An Act To authorize the Department of State Docks and Terminals of Alabama, with the approval of the Governor, to expand the port facilities of the State of Alabama to meet the present and prospective needs of trade and commerce; to acquire and operate additional properties and facilities; to borrow money and to issue and sell bonds, notes or certificates referred to herein as revenue securities; to provide the purposes for which such money may be borrowed; to provide for the form, tenor, effect, interest rates and maturities and payment of such revenue securities; to provide that such revenue securities shall not constitute indebtedness of the State of Alabama, and shall not pledge the faith or credit of the State of Alabama; to provide that such Revenue Securities may be payable from the gross revenues of the unit or units or facility or facilities in whole or in part acquired with the proceeds of such Revenue Securities and out of the gross revenues of said Department, subject to sinking fund requirements, certain operating expenses and other valid commitments; to provide for and authorize the pledge of such revenues to such revenue securities and to provide for the order of payment and priorities of payment of such revenue securities out of such revenue; to authorize the publication of notice concerning the issuance of such revenue securities and limiting the time within which any action may be brought to set aside or contest the validity of any such revenue securities or any proceeding authorizing same or any contractual obligations incurred in connection therewith; to provide for the acceptance of grants and to contract with reference to such grants; to provide for the funding or refunding of obligations of said department by the issuance of such revenue securities and to provide the effective date of this Act and repeal all laws and parts of laws in conflict with the Act" so as to make the said Act apply to any Department or agency of the State which may succeed to or perform the functions of said Department of State Docks and Terminals and to increase the allowable rate of interest of any such securities, and to provide that all such securities shall be sold at public sale, and to fix the minimum price for which such securities may be sold, and to fix the maximum amount of such securities which may be hereafter sold.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 211, adopted at the 1947 Regular Session of the Legislature of Alabama and approved on

July 24, 1947, shall be and the same is hereby amended so that said Section shall read as follows:

"Section 1. The State of Alabama, acting by and through its Department of State Docks and Terminals, or any Department or agency of the State which may succeed to or perform the functions of said Department of State Docks and Terminals (herein collectively called "the Department") by and with the consent of the Governor, may further expand and enlarge its Seaport Facilities in order to meet the present and prospective needs of trade and commerce, and may further develop, construct, purchase, lease, acquire, maintain and operate additional properties, real and personal, and facilities, in any of the harbors and seaports within the State or its jurisdiction, and to those ends may exercise such powers as are conferred in this Act, in addition to those now conferred by law. In order to accomplish such purposes, the said Department may, with the approval of the Governor, borrow from time to time such sums of money as may be reasonably necessary in the purchase or acquisition or lease of additional properties, real or personal, or in the development or improvement, maintenance or repair of any properties now owned or hereafter acquired, or for the payment of any indebtedness lawfully incurred by the Department; and any such indebtedness may be evidenced by bonds, notes or certificates of indebtedness hereinafter referred to as "Revenue Securities", issued by the Department. Such Revenue Securities shall be issued in the name of the Department, and shall have impressed thereon the Department seal and shall bear such date or dates, and shall mature at such time or times, not exceeding forty (40) years from their respective dates, provided however said Revenue Securities shall be callable at any time after the expiration of five (5) years from date of issue and shall bear interest at such rate or rates, not exceeding five and one-half percent (5½%) per annum payable semiannually, and shall be in such denomination or denominations and shall be in such form, either coupon or registered, and shall carry such registration privileges, and shall be subject to such terms of redemption, with or without a premium, and shall be executed in such manner, and shall be payable in such medium of payment and at such place or places, as may be provided in the order of the Director of the Department which authorizes the issuance thereof. No such order shall be valid without the written approval of the Governor and such order shall be recorded in the office of the Secretary of State. None of the Revenue Securities authorized by this Act shall constitute an indebtedness of the State within the meaning of any constitutional or statutory provisions of the laws of the State. Such Revenue Securities shall be sold only at public sale for such price or prices as the Director of the Department, with the approval of the Governor, shall determine, provided that the sale price thereof shall be not less than 99% of the face value of those being sold, plus accrued

interest to the date of their delivery. Such Revenue Securities are hereby declared negotiable instruments. Any order of the Director of the Department authorizing the issuance of any such Revenue Securities may contain provisions which shall be a part of the contract between the Department and the holder or holders thereof, which provisions may pledge the revenues from which said Revenue Securities and the interest thereon shall be payable, and may provide that after sinking fund requirements and valid commitments have been satisfied from the revenues of the Department, exclusive of the revenues from the unit or units, facility or facilities, which are to be constructed, purchased, leased or otherwise acquired by the said Department in whole or in part with the proceeds of the bonds issued, and, if so provided in the order, exclusive of the revenues from the facilities heretofore acquired pursuant to the lease agreements with the City of Mobile, the operating expenses of such unit or units, facility or facilities so acquired shall be paid out of the revenues of existing facilities subject to valid commitments, and the use and disposition of such revenues and the setting aside of reserves for such revenue securities and the regulation and disposition of any such funds and the order in which said revenue securities shall be payable, and any preference or priorities of or in such payments among the several issues of such Revenue Securities or among such securities of the same issue; limitations on the purpose or purposes to which the proceeds of sale of any such issue may be applied; provisions as to the redemption of any such securities and concerning the price or prices at which they shall be redeemable; the procedure, if any, by which the terms of any contract with the holders of any such Revenue Securities may be amended or abrogated, the amount of securities the holders of which must consent thereto, and the manner in which such consent may be given. Such revenue securities may be made payable out of the gross revenues of the unit or units or facility or facilities which are to be constructed, purchased, leased or otherwise acquired by the said Department in whole or in part with the proceeds of the bonds issued and, if so provided in the order authorizing the Revenue Securities, out of the gross revenues of the facilities heretofore acquired pursuant to the lease agreements with the City of Mobile. No part of the gross revenue so chargeable with the payment of the Revenue Securities shall be required to be credited to or paid into the sinking fund for the Alabama Harbor Improvement Bonds heretofore issued, or used for the expense of maintaining, operating or administering any of the properties of the Department. After sinking fund requirements and valid commitments have been satisfied from the revenues of the Department, other than the revenues so chargeable with the payment of the Revenue Securities, the operating expenses of the unit or units, facility or facilities constructed, leased, purchased or otherwise acquired by the Department in whole or in part with the proceeds of Revenue Securities shall be paid from the revenues

of existing facilities, to the end that the gross revenues from all units, facilities and property constructed, leased, purchased or otherwise acquired by the Department in whole or in part with the proceeds of Revenue Securities, and, if so provided in the order authorizing the Revenue Securities, the gross revenues of the facilities heretofore acquired pursuant to the lease agreements with the City of Mobile, may be devoted to the payment of the interest on and the principal of such Revenue Securities. If such gross revenues shall be insufficient for that purpose, said securities shall be payable out of the gross revenues of the Department as a whole, after sinking fund requirements and valid commitments have been satisfied from the gross revenues of the Department other than the revenues so charged with the payment of the Revenue Securities and after there have been paid from such gross revenues of existing facilities the necessary expenses of the operation of the Department and the maintenance and repair of its property. The Revenue Securities authorized hereunder shall not be subject to any limitations or provisions of Chapter 6, of Title 37 of the Code of 1940 or, of any other Bond law now in force or hereafter amended, except as herein otherwise expressly stated, and it shall not be necessary to make publication of any order, notice or proceeding relating thereto. The Revenue Securities issued under the provisions of this Act are exempt from any or all State, County, Municipal and other taxation whatsoever under the laws of the State of Alabama, and shall be legal investments for the funds for executors, administrators, trustees and guardians, and acceptable as security for deposits of State funds. In case any officers whose signatures or counter-signatures appear on any of the Revenue Securities shall cease to be such officers before delivery thereof, such signatures or counter-signatures shall nevertheless be valid, and sufficient for all purposes the same as if they had remained in office until such delivery."

Section 2. The maximum principal amount of Revenue Securities which may be issued under the provisions of said Act No. 211, after the enactment of this act, is hereby limited to \$2,500,000.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1959.

Time: 3:20 P. M.

Act No. 15

S. J. R. 5—Kendall, deGraffenried, Graham

SENATE JOINT RESOLUTION

Providing for a committee to study the feasibility and de-

sirability of relocating the Confederate Memorial Monument on the Capitol grounds

RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That a committee of three Senators and three Representatives be named by the President and Speaker, respectively, to study the feasibility and desirability of relocating the Confederate Memorial Monument erected at the entrance to the north wing of the Capitol, at a more appropriate and suitable site adjacent to or on the capitol grounds, so that the splendor of this memorial will be more in evidence and have a setting worthy of its spectacular beauty. The committee may designate not more than three citizens esteemed for their cultural and artistic talents to aid them in their study. The members of the committee shall serve without pay, and shall report their findings, conclusions, and recommendations to the two Houses at the next regular session of the Legislature.

Approved July 22, 1959.

Time: 9:30 A. M.

Act No. 16

S. J. R. 6—Crawford

SENATE JOINT RESOLUTION

Creating a special joint committee to study mental health problems

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a special joint committee composed of eleven members of the House, to be appointed by the Speaker, and seven Senators, to be appointed by the President of the Senate, to study conditions and problems existing in Alabama in the field of mental health, with a view to making recommendations for legislation needed to improve conditions and provide better facilities or to correct inefficient or defective procedures in public institutions providing for the care and treatment of persons suffering from mental illness. The committee may make such investigations, conduct such surveys, examine such witnesses, and take such other action as may be necessary for the proper discharge of its functions, and shall make a report of its findings, conclusions, and recommendations to the two houses within five legislative days after the regular session reconvenes on August 25.

RESOLVED FURTHER, That the committee may incur such incidental expenses as may be necessary in transacting their business, but they shall receive no compensation other than their usual per diem and expenses while engaged on committee business.

Approved July 22, 1959.

Time: 9:25 A. M.

Act No. 17

S. 7—Caffey

AN ACT

To enable State Savings and Loan Associations operating under general laws in Mobile County, with the approval of the Savings and Loan Commissioner, to establish one or more branch offices in said County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any savings and loan association in Mobile County, created and operating under the authority of Chapter 11, Title 5, Code of Alabama (1940), as amended, may, with the approval of the Savings and Loan Commissioner, State Banking Department, open, establish, and maintain one or more branch offices in Mobile County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 22, 1959.

Time: 9:40 A. M.

Act No. 18

S. 10—deGraffenried

AN ACT

TO ALTER, REARRANGE, AND EXTEND THE BOUNDARY LINE OF THE CITY OF TUSCALOOSA, IN TUSCALOOSA COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Tuscaloosa, Tuscaloosa County, Alabama, be changed and extended to include the following territory:

As a point of beginning start at the Northwest corner of Section 33, Township 21 South, Range 9 West, said point being on the present city limit of the City of Tuscaloosa; thence Southwardly along the West line of said Section 33 for a distance of 265.5 feet to a point; thence Eastwardly and parallel to the North boundary of said Section 33 for a distance of 420 feet to a point; thence Southwardly and parallel to the West boundary of said Section 33 for a distance of 420 feet to a point; thence Eastwardly and parallel to the North boundary of said Section 33 for a distance of 922 feet to a point on the East boundary of the Northwest Quarter of the Northwest Quarter of said Section 33; thence Southwardly along the East boundary of said Northwest quarter of the Northwest Quarter for a distance of 510.00 feet to a point; thence West-

wardly and parallel to the South boundary of said Northwest Quarter of the Northwest Quarter to a point on the West boundary of said Section 33; thence Southwardly along the West boundary of said Section 33 for a distance of 175 feet to the Southwest corner of said Northwest Quarter of the Northwest Quarter thence continue Southwardly along the West boundary of said Section 33 to the Southwest corner of the Northwest Quarter of said Section 33; thence Eastwardly along the South boundary of the North Half of said Section 33 to the Southeast corner of the Northeast Quarter of said Section 33; thence Northwardly along the East boundary of said Section 33 to the Northeast corner of said Section 33; thence Westwardly along the North boundary of said Section 33 to the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 33; thence Northwardly along the East boundary of the Southwest Quarter of the Southeast Quarter of Section 28, Township 21 South, Range 9 West, to the Northeast corner of said Southwest Quarter of the Southeast Quarter; thence Westwardly along the North boundary of said Southwest Quarter of the Southeast Quarter and the North boundary of the Southeast Quarter of the Southwest Quarter and the North boundary of the Southwest Quarter of the Southwest Quarter all in said Section 28 to the Northwest corner of said Southwest Quarter of the Southwest Quarter; thence Southwardly along the West boundary of said Section 28 to the point of beginning.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 22, 1959.

Time: 9:35 A. M.

Act No. 19

H.J.R. 25—Solomon, Adams (Tallapoosa)

HOUSE JOINT RESOLUTION

Be It Resolved by the House of Representatives, the Senate concurring, that:

Whereas, Arthur Joe Grant, a citizen and resident of our State of Alabama, departed this life on the 21st day of July, 1959; and

Whereas, Mr. Grant has served the State of Alabama in a devoted and capable manner for a great number of years as Commissioner of Revenue, Assistant Attorney General, and in other various executive positions; and

Whereas, his friends, associates, and particularly the public officials and employees of the State departments with whom he served so faithfully will sorely miss the advice, counsel and guidance furnished them by Mr. Grant; and

Whereas, the State of Alabama has lost one of its most faithful, conscientious, devoted and capable employees and the Legislature wishes to honor Arthur Joe Grant for his dedicated efforts toward the administration of public affairs of our State:

Now, Therefore, Be It Resolved by the Legislature of Alabama that this Legislature mourns the death of Arthur Joe Grant and extends to his bereaved widow, Mrs. Louise L. Grant, and to the members of his family its sincere sympathy.

Be It Further Resolved that this resolution be spread upon the Journals of both Houses of this Legislature and that a copy of this resolution be forwarded to his widow, Mrs. Louise L. Grant, Montgomery, Alabama.

Approved July 24, 1959.
Time: 6:00 P. M.

Act No. 20

H.J.R. 21—Speaks

HOUSE JOINT RESOLUTION

Inviting Governor J. Howard Edmondson of Oklahoma to address a joint session of the two houses.

WHEREAS the Southern Regional Education Board, composed of representatives from 17 Southern States, whose interest in regard to higher education is renown, is celebrating its tenth anniversary; and

WHEREAS his Excellency, the Governor of Oklahoma, the distinguished J. Howard Edmondson, will be available to speak to us because of this celebration; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That Governor Edmondson be invited to address a joint session of the two houses at eleven o'clock A. M. on Friday, July 31, next, on the topic "The Southern Regional Education Board and Alabama's Part in regard to the Regional Education Program"; and that a joint committee on arrangements be appointed by the Speaker of the House and the President of the Senate.

Approved July 24, 1959.
Time: 6:10 P. M.

Act No. 21

H.J.R. 23—Gilmer, Hardy, Hain

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, THE SENATE CONCURRING, That the death of Mary Raiford, long-time publisher of the Selma Times-Journal, a widely read and highly respected daily newspaper in this State, known far and wide for its dedication to honest news reporting and its advocacy of honesty and efficiency in government at all levels, the promotion of the growth and development of Alabama, of States' rights, and of our Southern traditions, is mourned by the Legislature of Alabama and the individual members thereof, who are aware of the many services this outstanding woman rendered to the citizens of this State and are particularly appreciative of the benefits that have inured to Alabama from the publication of a newspaper of the calibre of the Selma Times-Journal, which Mrs. Raiford and her late husband built from a newspaper with a small circulation in 1914 to one of this States top-ranking daily newspapers.

BE IT FURTHER RESOLVED that the sympathy of this body is hereby extended to the surviving members of Mrs. Raiford's family, and that the clerk of the House is hereby directed to transmit a copy of this resolution to them and to the Selma Times-Journal.

Approved July 24, 1959.

Time: 6:15 P. M.

Act No. 22

H.J.R. 24—Johnston, Johnson (Elmore)

HOUSE JOINT RESOLUTION

Whereas, two thugs recently planned to rob a bank at Eclectic and in so doing to force Mr. Carl Ray Barker, an employee of the bank, and Chief Maxie Taunton of the Eclectic Police to become their unwilling accomplices in the robbery; and

Whereas, Mr. Barker and Chief Taunton by their composure, presence of mind, brave and courageous actions were able, not only to avoid being used as tools for this heinous crime, but succeeded in completely thwarting the planned robbery and killing or capturing the would-be robbers; now therefore:

Be It Resolved By the House of Representatives of the Legislature of Alabama, the Senate Concurring, that Mr. Carl Ray Barker and Chief Maxie Taunton are hereby commended for the admirable manner in which they recently thwarted the planned robbery of this Eclectic bank, and captured these desperate criminals.

Be It Further Resolved that the Clerk of the House of Representatives is hereby directed to transmit a copy of this resolution to Mr. Barker and a copy to Chief Taunton.

Approved July 24, 1959.
Time: 6:20 P. M.

Act No. 23

H. 44—Johnson (Tallapoosa), Adams
(Tallapoosa)

AN ACT

To provide for the payment and retirement of claims of state witnesses in certain criminal cases from the general funds of Tallapoosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. State witnesses who are subpoenaed to appear before the grand jury or in any criminal prosecution or case pending in the county or circuit court of Tallapoosa County shall be entitled to immediate payment of their fees and mileage from the general funds of the county, upon proof of their attendance in obedience to such subpoenas, the provisions of any general, local, or special law to the contrary notwithstanding. And when the fees and mileage of state witnesses are taxed and collected as costs in the county or circuit court, as provided by law, they shall be paid into the general funds of said county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 4. This Act shall not apply to the payment of fees and mileage claims of state witnesses which accrued prior to its effective date.

Approved July 24, 1959.
Time: 6:25 P. M.

Act No. 24

H. 54—Barnett, Long (Perry)

AN ACT

Designating the chief clerk of the judge of probate of Perry County as the clerk of the court of county commissioners of Perry County; prescribing the clerk's duties, and providing for his compensation; and validating the acts heretofore performed by the chief clerk of the judge of probate in the capacity of clerk of the court of county commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief clerk of the judge of probate of Perry County shall serve as clerk of the court of county commissioners of Perry County. As clerk of the court of county commissioners, the chief clerk of the judge of probate shall attend all meetings of the court of county commissioners and shall keep a record of the proceedings and actions of the court; and he shall maintain and keep all other records and documents of the court, including all accounting and reporting records required by law.

Section 2. The chief clerk of the judge of probate shall receive such compensation for his services as clerk of the court of county commissioners as such court may prescribe. His compensation shall be paid from the general fund of Perry County in the same manner as the compensation of other county employees is paid, or as otherwise provided by law.

Section 3. All acts heretofore done by the chief clerk of the judge of probate in the capacity of clerk of the court of county commissioners of Perry County, and all payments heretofore made for services performed, are hereby validated and confirmed.

Section 4. All laws or parts of laws which conflict herewith are, to the extent of such conflict, superseded and repealed by this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1959.

Time: 6:30 P. M.

Act No. 25

H. 55—Barnett, Long (Perry)

AN ACT

Authorizing and directing the court of county commissioners of Perry County to make available an annual allowance for the operation of the office of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners of Perry County is authorized and directed to appropriate from county funds, and to make available to the superintendent of education of Perry County at the beginning of each fiscal year, an allowance of not less than \$1200.00 and not more than two thousand dollars (\$2,000) a year, as determined by the commissioners court, to be used by the county superintendent of education to defray the necessary expenses of operating his office. The allowance authorized herein is in lieu of the office expenses provided for by Section 130,

Title 52, Code of Alabama (1940), and shall constitute the entire amount payable each year by the court of county commissioners for the operation of the office of the county superintendent of education.

Section 2. The allowance provided for herein shall not be construed to cover the costs of the school census, which costs shall continue to be paid as a separate expense of the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1959.

Time: 6:35 P. M.

Act No. 26

H. J. R. 26—Martin and other Auburn
Alumni of the House

HOUSE JOINT RESOLUTION

WHEREAS, on Tuesday evening, July 21, 1959, the members of the Legislature were treated to a most delightful and enjoyable buffet dinner by the University of Alabama Montgomery Alumni Association, and

WHEREAS, the members of the Legislature were also privileged to see the premier showing of a film on the work of the University of Alabama which also carried the story of the progress of education in Alabama, and

WHEREAS, the film was presented to the members of the Legislature by Dr. Frank A. Rose, President of the University of Alabama and was narrated by Mel Allen, nationally famous sportscaster and native of our great State of Alabama, and

WHEREAS, the members of this Legislature are greatly appreciative and proud of the work being done by the University of Alabama as shown in said film; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING; that,

1. We congratulate the University of Alabama and all parties concerned in preparing and presenting this outstanding film on the University of Alabama and the progress of education in our State; and

2. We urge that this film be shown to every possible group within and without our State to the end that the story can be told to all concerned.

3. That the Clerk of the House is directed to transmit a copy of this Resolution to Dr. Frank A. Rose and to Mr. Mel Allen.

Approved July 31, 1959.

Time: 9:30 A. M.

Act No. 27

H. 39—Bishop

AN ACT

To amend Section 4 of an act approved July 29, 1955 (Act No. 174, H. 511, Acts 1955, Vol. I, p. 441) abolishing the office of county commissioner of public schools of Colbert County and establishing and restoring the office of county superintendent of education, in relation to the mode of nominating and electing and the qualifications of candidates for county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of an act approved July 29, 1955 (Act No. 174, H. 511, Acts 1955, Vol. I, p. 441) abolishing the office of commissioner of public schools of Colbert County and establishing and restoring the office of county superintendent of education is hereby amended to read as follows:

“Section 4. The superintendent of education of Colbert County shall receive the same salary, compensation, and allowances as are now provided by law; and his official bond shall be fixed and approved in the manner provided by Section 76, Title 41, Code of Alabama 1940, as amended. No person shall be eligible for election to said office unless he is a qualified elector of Colbert County who possesses the academic and professional qualifications now prescribed by law for the state superintendent of education. Candidates for the office of county superintendent of education in Colbert County shall be nominated and elected in the same manner as candidates for other county offices under the laws of the state regulating primary and general elections.”

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 31, 1959.

Time: 9:31 A. M.

Act No. 28

H. 41—Hardy, Gilmer, Hain

AN ACT

To amend Section 6 of an act entitled “An Act to authorize and empower Boards of Revenue, Commissioners Courts or like governing bodies, in counties having a population of not less than 52,000 nor more than 62,000 inhabitants according to the 1940 Federal Census, to appoint a County Treasurer, to fix the duties, ex-officio services, compensation and method of payment,” approved August 17, 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 6 of an act entitled “An Act to au-

thorize and empower Boards of Revenue, Commissioners Courts or like governing bodies, in counties having a population of not less than 52,000 nor more than 62,000 inhabitants according to the 1940 Federal Census, to appoint a County Treasurer, to fix the duties, ex officio services, compensation and method of payment," approved August 17, 1951, be and the same is hereby amended to read as follows:

"Section 6. The compensation of the County Treasurer for duties enumerated in this Act and for ex-officio services and contingencies shall be fixed by the Board of Revenue, Commissioners Court or like governing body in an amount not to exceed \$1.00 per month."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 31, 1959.
Time: 9:32 A. M.

Act No. 29

H. 43—Hain, Hardy, Gilmer

AN ACT

To empower the board of revenue, court of county commissioners, or other like governing body of counties having a population of not less than 55,000 nor more than 60,000 inhabitants, according to the last or any subsequent federal decennial census, to authorize the offices of officials in the courthouse to be closed all day on Saturday each week.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of any county having a population of not less than 55,000 nor more than 60,000 inhabitants, according to the last or any subsequent federal decennial census, may, in its discretion and by resolution spread upon its minutes, authorize the offices of the officials in the courthouse of such county to be closed all day on Saturday each week, any provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 31, 1959.
Time: 9:33 A. M.

Act No. 30

H. 77—Johnson (Tallapoosa),
Adams (Tallapoosa)

AN ACT

To amend section one of the act approved July 12, 1957, fixing the compensation of the deputies of the sheriff of Tallapoosa County (Act No. 129, H. 522, 1957 Acts vol. I, p. 178).

Be It Enacted by the Legislature of Alabama:

Section 1. Section one of the act approved July 12, 1957, fixing the compensation of the deputies of the sheriff of Tallapoosa County (Act No. 129, H. 522, 1957 Acts vol I, p. 178) is hereby amended to read as follows:

“Section 1. The deputies to the sheriff of Tallapoosa County shall receive the following compensation: The chief deputy sheriff shall receive a salary of not more than four thousand eighty dollars (\$4,080) per annum; the deputy sheriff at Alexander City shall receive a salary of not more than three thousand seven hundred eighty dollars (\$3,780) per annum; the deputy sheriff at East Tallassee shall receive a salary of not more than three thousand seven hundred eighty dollars (\$3,780) per annum; the deputy sheriff at Dadeville shall receive a salary of not more than three thousand three hundred dollars (\$3,300) per annum; and the deputy sheriff in the Second Commissioner District shall receive a salary of not more than three thousand three hundred dollars (\$3,300) per annum. The salaries of such deputies to the sheriff shall be paid out of the general fund of the county in equal monthly installments, payable on the first day of each month, on warrants drawn by the judge of probate.”

Section 2. This Act shall become effective on the first day of the month succeeding its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 31, 1959.

Time: 9:35 A. M.

Act No. 31

H. 37—Bishop

AN ACT

Proposing an amendment to the Constitution of Alabama relative to Colbert County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become effective when approved and proclaimed as required by law:

Proposed Amendment

The legislature shall not pass a special, private, or local law changing the form of government of Colbert County or of any city, town, village, district, or other such political subdivision of the county, or abridging the term of any officer thereof, by the abolition of his office or otherwise, or increasing or decreasing or altering the salary or other compensation, fees, commissions, percentages, or allowances of any officer thereof, by the imposition of new, different, and additional duties, or by expense allowances, during the term for which he was elected or appointed, or at any time, unless the operation of such law shall be approved by a vote of the duly qualified electors of such county, city, town, village, district, or other political subdivision of the county, at an election held for such purpose, in the manner prescribed by such law. Nor shall the legislature authorize the governing body of Colbert County or of any political subdivision thereof to increase or decrease or alter the salary or other compensation, fees, commissions, percentages, or allowances of any officer thereof, by the imposition of new, different, and additional duties, or by expense allowances, during his term, or at any time, unless the operation of the law providing therefor shall be approved by a vote of the duly qualified electors of the county or city, town, village, district, or other political subdivision of the county affected thereby, at an election held for such purpose, in the manner prescribed by such law.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the 1959 regular session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House July 10, 1959.

Amended and passed the Senate July 28, 1959.

House concurred in Senate Amendment July 28, 1959.

Filed with Secretary of State July 31, 1959.

Act No. 32

S. 21—Samford

AN ACT

To alter, re-arrange, and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Opelika, in Lee County, Alabama, be and the same are hereby altered, re-arranged, and extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Begin at the Southeast corner of Section 20, Township 19 North, Range 27 East, in Lee County, Alabama; thence run Northerly, along the East boundary line of said Section 20, to the Northeast corner of the Southeast quarter of said Section 20; thence run in a westerly direction, along the East-West half-section lines of Sections 20 and 19 in Township 19 North, Range 27 East and of Section 24 in Township 19 North, Range 26 East to the West boundary of said Section 24; thence run Northerly, along the East boundary line of Section 23, Township 19 North, Range 26 East, to the Southeast corner of Section 14 in Township 19 North, Range 26 East; thence run West, along the South boundary of said Section 14, for 4340.6 feet; thence run North 00 degrees 38 minutes West for 848.2 feet; thence run North 34 degrees 01 minutes East for 117.1 feet; thence run North 71 degrees 15 minutes East for 269.4 feet; thence run North 73 degrees 35 minutes East for 4186.5 feet to the East boundary line of said Section 14; thence run Northerly, along the East boundary of Sections 14, 11 and 2 in Township 19 North, Range 26 East, to the Northeast corner of said Section 2; thence run Westerly, along the North boundary lines of Sections 2 and 3 in Township 19 North, Range 26 East, to the Northwest corner of said Section 3; thence run Southerly, along the West boundary lines of Sections 3, 10, 15 and 22 in Township 19 North, Range 26 East to the Southwest corner of said Section 22; thence run Easterly, along the South boundary lines of Sections 22, 23 and 24 in Township 19 North, Range 26 East and of Sections 19 and 20 in Township 19 North, Range 27 East, to the Southeast corner of said Section 20 and the said point of beginning.

Section 2. This Act shall become effective on the 30th day of September, 1959, after its passage and approval by the Governor, or if this Act is passed and approved by the Governor subsequent to the 30th day of September, 1959, then the same shall become effective immediately upon its passage and approval by the Governor.

Approved July 31, 1959.

Time: 11:15 A. M.

Act No. 33

S. J. R. 13—Givhan

SENATE JOINT RESOLUTION

Whereas the people of this State have made known their intention to close the public schools rather than submit to an enforced commingling of the races in such schools; and

Whereas the experience of other Southern States has demonstrated the wisdom of making adequate provision for the education of our children in the event that public schools are closed; and

Whereas the Baptist Association of the City of Selma, after careful study and preparation, has sponsored that city's first all-white, non-denominational private school, as a foundation for a larger operation should it be needed as a result of future developments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature do hereby commend the Baptist Association of Selma, the Association's Education Commission, the board of trustees of the school, and other cooperating persons and groups, for their foresight in providing for the establishment and operation of an all-white, non-denominational private school as a basis for a system of private schools within the county, if such becomes necessary, and for their determination to continue the operation of the schools of Selma and Dallas County in accordance with our cherished customs and traditions.

Be it resolved, further, that the Secretary of the Senate transmit a copy of this resolution to Mr. John Becton, of Elkdale, chairman of the school's board of trustees.

Approved July 31, 1959.

Time: 2:30 P. M.

Act No. 34

S. 18—Berryman

AN ACT

To amend the act approved May 18, 1951, creating and establishing the Board of Revenue of Lawrence County (Act No. 18, S. 2, Acts 1950-1951, Vol. I. p. 220), in relation to the powers and duties of the board and the chairman thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 12 and 13 of the act approved May 18, 1951, creating and establishing the Board of Revenue of Lawrence County (Act No. 18, S. 2, Acts 1950-1951, Vol. I, p. 220) are hereby amended to read as follows:

"Section 12. The board shall have charge of the equipment and fixtures contained in the courthouse, jail and other public buildings and offices of the county, and shall have authority to cause repairs to be made to said buildings and to the equipment and fixtures therein, and the county shall be liable for the cost of the same, not to exceed, in any event, more than the reasonable value of such repairs. The board shall also have authority to purchase medicine and medical supplies and arrange for medical attendance for the prisoners in the county jail and also to contract for the burial of paupers and the county shall be liable for the reasonable cost of the same without regard to Section 7 of this act. Stamps, electricity, water, and telephone service, or any other service furnished by a public utility whose rates are regulated by law, may be provided for the public offices and buildings of the county by the board without regard to the provisions of Section 7 of this act. The board shall also provide janitor service for the courthouse of said county. The board shall also have charge and supervision of the county garage and shop and its records, and of the employees of the garage and the authority to employ, discharge and fix the compensation of employees working in the garage and shop.

"Section 13. The chairman of the board shall keep all books and records herein required, as well as the books and records required to be kept by the general laws of this state. The board is hereby authorized to employ clerical and stenographic assistants to aid the chairman in the performance of his duties, and to fix the compensation to be paid therefor. The board shall provide for itself and for the chairman suitable office space in the courthouse, and shall obtain an official seal containing the name of the board and the words 'Official Seal,' which shall be kept by the chairman. The office of the chairman shall be kept open from 9 o'clock A. M. to 4 o'clock P. M. on all days except holidays, and except on one day during each week to be designated by the board, on which day said office shall be open from 9 o'clock A. M. until noon, and the chairman shall devote his entire time to the duties of his office."

Section 2. The provisions of this Act shall become operative only if approved by the qualified electors of Lawrence County voting in a referendum to be held on the date of the first county-wide primary, general, or special election held after the passage of this Act. The governing body of Lawrence County shall order and provide for the holding of the referendum on such date. Notice of the election shall be given by publication once a week for four consecutive weeks in a newspaper published in the county. On the ballots to be used at the election, the question shall be stated substantially as follows: "Shall the provisions of Act No. _____ of the 1959 Second Special Session of the Legislature, which amends the Act creating and establishing the Board of Revenue of Lawrence County by divesting the chairman

of the board of certain powers and duties and by conferring such powers and duties on the Board of Revenue of Lawrence County, be adopted? Yes () No ()." If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become operative immediately. If the majority are "No," this Act shall have no effect. The judge of probate of Lawrence County shall certify the results of the election to the Secretary of State within 30 days after the returns thereof are canvassed.

Approved July 31, 1959.

Time: 2:35 P. M.

Act No. 35

S. 4—Porter

AN ACT

To amend Section 207 of Title 52 of the Code of Alabama 1940, which relates to appropriation of funds out of county treasury.

Be It Enacted by the Legislature of Alabama:

Section I. That Section 207 of Title 52 of the Code of Alabama of 1940 is amended to read as follows:

The Courts of County Commissioners or Boards of Revenue of the several counties of Alabama are authorized at any meeting of said Court in any calendar year to appropriate any funds they may deem proper and expedient out of the general funds of the county treasury for the construction, repair, operation, maintenance and support of new or existing public schools within said county.

Section II. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved July 31, 1959.

Time: 2:40 P. M.

Act No. 36

S. J. R. 11—Haltom

SENATE JOINT RESOLUTION

Whereas the Tombigbee-Tennessee Waterway Development Compact between the State of Alabama and the State of Mississippi provides for the admission into such compact of any other state which is contiguous with any member state, subject to approval by the Legislature of each of the member states; and

Whereas the State of Tennessee is such a contiguous state and desires to be admitted into this compact, and the General Assembly thereof has approved the execution of the compact by the

Governor of Tennessee and has made provision for its pro rata share of the cost of administering the compact; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

1. That the admission of the State of Tennessee into the Tombigbee-Tennessee Waterway Development Compact is hereby approved, and that the State of Tennessee shall become a party to the compact upon its execution by the Governor of the State of Tennessee and upon the approval of the admission of the State of Tennessee by the Legislature of the State of Mississippi.

2. That the Secretary of State of Alabama is hereby requested to transmit duly certified copies of this resolution to the Governor of Mississippi and the Governor of Tennessee.

Approved July 31, 1959.

Time: 2:50 P. M.

Act No. 37

H. 117—Smith (Russell), Ashworth

AN ACT

To make an additional appropriation for payment of expenses of the Legislature incurred during the fiscal year ending September 30, 1959.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated, for the payment of the expenses of the Legislature incurred during the fiscal year ending September 30, 1959. The appropriation herein made is in addition to all other appropriations heretofore made for the purpose herein stated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 6, 1959.

Time: 7:50 P. M.

Act No. 38

H. 64—Harris

AN ACT

To repeal Section XVI of the act approved March 7, 1955, entitled "An Act To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and

to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax" (Act No. 67, H. 43, Acts 1955, Vol. I, p. 97).

Be It Enacted by the Legislature of Alabama:

Section 1. Section XVI of the act approved March 7, 1955, entitled "An Act To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax" (Act No. 67, H. 43, Acts 1955, Vol. I, p. 97) is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1959.

Time: 11:45 A. M.

Act No. 39

S. 20—Dumas, Eddins, Crawford, Cooper, Turner, Hines, Haltom, Jones, Golsen, Berryman, Leonard, Gaither, Wilson, Farmer, Rutledge, Moses, Archer, Clark, Roberts, Andrews, Green, Samford, Caffey, Godfrey, Webb, and Barnett

AN ACT

To provide the procedure for the withdrawal of any area from any existing school system and the organization of such area as an independent school district, to provide a district board of education for such independent school district, to provide for the transfer of all public school property and personnel in such district to such board of education, to provide the functions, duties and powers of such board of education and the complete management, control and supervision of the educational affairs in such area as a separate school system by such board of education, and to provide a procedure for the merger or consolidation of independent school districts organized hereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. Organization of Independent School Districts. Any Area in the State of Alabama may withdraw from the school system of which it is now a part and become organized as an Independent School District and governed and managed as to educational matters by its own District Board of Education, separate and apart from any other school system in the State of Alabama, by following the procedures hereinafter provided for in this act.

Section 2. Short title. This act may be known and cited as the "Independent School District Act of 1959".

Section 3. Definition of Certain Words and Phrases. When used in this act, the following words and phrases shall, unless the context otherwise requires, be considered to have the following meanings, respectively:

(a) Area shall mean the geographical area proposed to be withdrawn from an existing school system or school systems, and organized as an independent school district under the provisions of this act. An Area may withdraw from any Independent School District organized hereunder.

(b) County shall mean the county in which the Area is located.

(c) Governing Body shall mean the Board of Revenue, Court of County Commissioners, County Commission or other governing body of the County.

(d) Existing Board of Education shall mean the County Board of Education or the City Board of Education presently having supervision and control of the public schools in the Area proposed to be organized as an Independent School District and the Board of Education continuing to have supervision and control of the school system from which the Area withdrew and became organized as an Independent School District.

(e) Independent School District shall mean an Area, as herein define, after it has withdrawn from an existing school system and become organized as an Independent School District under the provisions of this Act.

(f) District Board of Education shall mean the board of education having control and management of the educational interests in such Independent School District, as hereinafter provided.

(g) Sheriff shall mean the Sheriff of the County in which the Area is located.

Section 4. Petition to Governing Body and Calling of Election for Organization of Independent School District. Upon a petition signed by two hundred (200) or more qualified electors

of any Area, or ten per cent (10%) of the qualified electors of such Area, whichever is less, requesting that an election be held on the question of whether or not the Area shall be withdrawn from the school system of which it is then a part and become organized as an Independent School District under the provisions of this Act and designating the name to be given to such Independent School District, accompanied by a metes and bounds description and also a map showing the exact boundaries of the Area, and also accompanied by a resolution of the Existing Board of Education consenting to the holding of such election, the Governing Body of the County shall order an election to be held at the time specified in said petition to determine whether or not the Area shall be withdrawn from the existing school system of which it is a part and organized as an Independent School District. The order of the Governing Body shall contain a description of the Area and the name proposed to be given to the Independent School District.

Section 5. Election Notice. The Sheriff must give notice at least fourteen (14) days before any election to be held under this Act, by publication once in each of two consecutive weeks in some newspaper in the County, if any is published therein, and if not, by writing posted at the court house door, and at three other public places within the Area, at least fourteen (14) days prior to said election. Such notice shall announce the date of the election and the polling places within the Area, shall state the designation proposed to be given to the Independent School District, that the Area to be included in the proposed Independent School District is described in the order of the Governing Body calling the election, and that the question to be submitted at the election is whether or not the Area shall be withdrawn from the existing school system of which it is a part and organized as an Independent School District under the provisions of this Act.

Section 6. Officers of Election. The inspectors and officers of the special election shall be appointed and said election shall be held and the results of said election shall be declared in the same manner and by the same officers as the results of the regular election of county officers, under the election laws of the State; provided that the election may be held at the time for holding any regular election in the County, and if held at such time, the inspectors and officers of the general election shall conduct at the same time the election herein provided for, and for such services they shall receive no compensation other than that allowed them for holding the general election, and if the election is held at some time other than that of holding the regular election in the County, then the election officers shall receive the same pay as that for holding the general election.

Section 7. Conduct of Election. The election officers shall conduct and make return of such elections, and, in the event that

such election officers fail to appear at the polling place for which they are appointed, the officer or officers who do appear shall appoint someone to take the places of those who fail to appear. All election officers shall be residents of the Area and qualified electors of the beat or precinct in which they reside. The Sheriff shall notify all officers of their appointment by the Governing Body. The managers or inspectors of such elections shall open and close the polls on the day of the election at the hours prescribed by law in the County for general elections. Immediately upon closing the polls the appropriate election officials shall ascertain the results of the election at their respective voting places, and make returns of the same to the Governing Body of the County and deliver the ballot box containing the returns, with the poll lists, tally sheets and other necessary papers, to the returning officer or inspector of each voting place, who shall deliver the same to the Governing Body on or before noon of the second day after said election. In the event that voting machines are used in the County, the Governing Body shall make available sufficient voting machines for the conduct of the election in the Area, and the election officers shall conduct the election in the same manner as other elections are conducted on voting machines in the County. In the event that voting machines are used, the officers usually designated for conducting an election with voting machines shall be designated in lieu of those designated for ballot boxes. Except as otherwise provided in this Act, any such election shall be held under the general laws of the State.

Section 8. Expenses of Election. The officers, including the Sheriff, shall perform the same duties and receive the same pay as provided for under the general election laws, and all costs and fees of said election shall be paid out of the County Treasury.

Section 9. Election Supplies. The Governing Body shall provide the necessary number of ballots, poll lists, tally sheets, ballot boxes, booths, voting machines, instructions for holding the election, and all other necessary and proper stationery, supplies and equipment for holding such election; and the Sheriff shall see that the same are delivered to the managers or inspectors before the opening of the polls on the day of the election.

Section 10. Ballots. The ballots used in said election and the legend to be printed on the counter of voting machines shall have printed at the top the purpose of such election, as follows: "Shall the Area described in the order of the _____ (Governing Body) of _____ County, adopted _____, be withdrawn from the _____ school system of which it now forms a part and become organized as an Independent School District, to be known and designated as the _____ Independent School District of _____ County?" Directly underneath such question, or in the case of voting machines, underneath or beside such question, shall be printed the words "For Organization of Independent

School District", and on a different line or lines, the words, "Against Organization of Independent School District." A blank must be left directly to the left of each line on the ballot so that the voter may indicate his choice by cross-mark directly to the left and in front of the line expressing his choice. The counters on the voting machine shall be so set that the voter may indicate his choice by pulling the lever opposite the line expressing his choice.

Section 11. Absentee Ballots. Absentee ballots for such election shall be available and duly qualified absentee voters shall be entitled to vote an absentee ballot for the period from ten (10) days before such election to five (5) days before such election. In other respects the laws governing the voting of absentee ballots shall apply at any election held under this Act.

Section 12. Election Results. The Governing Body shall, within four days after said election, canvass the returns made by the returning officers, and under oath make a written report declaring the results of said election in the Area, showing the number of votes cast, both for and against the proposed organization of the Area as an Independent School District. A copy of such report shall be printed in some newspaper published in the County, and the original shall be filed in the office of the Judge of Probate of the County.

Section 13. Creation of Independent School District, Transfer of School Buildings and Employees. In the event that a majority of those voting at a special election in the Area shall vote in favor of withdrawing the Area from the existing school system and organizing it as an Independent School District, the Area shall forthwith be constituted an Independent School District under the supervision and management of a District Board of Education. Title to all public school buildings and property in the Area shall be divested out of the present title holder whether it be the State of Alabama, a County, a municipality or the Existing Board of Education and shall be forthwith transferred to and vested in the District Board of Education, which shall be entitled to the immediate possession thereof. All principals, teachers and other employees who performed services for the Existing Board of Education exclusively in the public schools located in the Independent School District shall be transferred to the District Board of Education, and the District Board of Education shall be liable upon all contracts of employment with such principals, teachers and other employees.

Section 14. Members of the District Board. The District Board of Education shall be composed of five members, who shall be elected by the qualified electors of the Independent School District. They shall be persons of good moral character, with at least a high school education, residents of and qualified voters in

the Independent School District. No member of a District Board of Education shall be an employee of said Board.

Section 15. Appointment of First Members of District Board of Education. Whenever an Area shall have voted to withdraw and become organized as an Independent School District, within one week after the declaration of results of the election shall have been made by the Governing Body, five members of the District Board of Education shall be appointed, two members to hold office until the election of their successors at the first general election to be held in the County, two members to hold office until the general election to be held two years after the next general election in the County, and one member to hold office until the general election to be held four years after the next general election in the County. All of such appointees shall hold office until their successors have been elected and qualified. The members of the District Board of Education shall be appointed by the Governing Body of the County in case of the withdrawal of the Area designated as an Independent School District from the county school system; or by the governing body of the municipality in case of the withdrawal of the Area designated as an Independent School District from a city school system in such municipality.

Section 16. Election of Members. At the general election of state and county officers, a member or members of the District Board shall be elected for terms of six years to succeed the member or members whose term or terms of office expire at that time. The members of the District Board of Education shall hold office until their successors have been elected and qualified.

Section 17. Oath of Office. Before exercising any authority or performing any duties as a member of the District Board of Education, each member thereof shall qualify by taking and subscribing to the oath of office prescribed by Article XVI of the State Constitution. A certificate that such oath has been taken shall be filed in the office of the Judge of Probate of the County.

Section 18. Vacancies. In the event a vacancy occurs in the office of members of the District Board of Education, the vacancy shall be filled by appointment by a majority of the remaining members of the District Board of Education, and the appointee shall hold office for the unexpired term.

Section 19. Office of Board. The office of the District Board of Education shall be in the principal school building of the Independent School District, unless otherwise adequately provided for. The District Board of Education shall provide the District Superintendent of Schools, his professional and clerical assistants, with ample, convenient, comfortable office quarters and with adequate clerical supplies and equipment.

Section 20. Meetings: President and Vice President. The District Board of Education shall hold regular meetings at least

once in each month, at a time and place to be entered in the minutes of the Board and publicly announced by it. At the first meeting of the District Board of Education after the appointment of its first members and annually thereafter, the District Board of Education shall elect one of its members to serve as President and one to serve as Vice President. The rules generally adopted by deliberative bodies for the conduct of their business shall be observed by the District Board of Education. No motion or resolution shall be declared adopted without the concurrence of a majority of the whole District Board of Education. The District Board of Education may hold such special meetings as may be called by the President, or in his absence or incapacity, by the Vice President, or, whether the President is absent or incapacitated or not, by a majority of the Board.

Section 21. Appointment of Superintendent; Secretary of Board. The District Board of Education shall appoint as its executive officer a Superintendent of Schools, who may also be Secretary of the Board. A District Superintendent of Schools must possess the same qualifications as are required of a city superintendent of schools. The District Superintendent of Schools shall receive such compensation as the District Board of Education shall direct. The District Board of Education may remove the District Superintendent of Schools for incompetency, immorality, misconduct in office, wilful neglect of duty, or when, in the opinion of the District Board of Education, the best interest of the schools requires it. The District Superintendent of Schools shall, within the Independent School District, have all the powers, functions and duties that a superintendent of city schools has under the Alabama Code of 1940, Title 52, sections 179 to 195, as amended. The District Superintendent of Schools shall conduct all correspondence of the Board, keep and preserve all of its records, receive all reports required by the Board, and see that such reports are in proper form, complete and accurate. He shall attend all meetings of the Board and of its committees. He shall have the right to advise on any motion under consideration, but shall have no vote. In case the Secretary is absent, the Board shall appoint some member of the Board or a teacher in the schools under the jurisdiction of the Board, to act for the time being.

Section 22. Treasurer. The District Board of Education shall elect an individual to be the custodian of all monies to which the District Board of Education is entitled by law, or which may come into its possession, said person so selected to be known and designated as the Treasurer of the District Board of Education. The Treasurer shall receive and hold all monies and shall pay out such school funds of the Independent School District only on the written order of the District Superintendent of Schools, approved by the President of the District Board of Education, and shall keep such records and account for such funds as shall be required.

Section 23. Bonds of District Superintendent and Treasurer. Before assuming any of the duties of the office, the District Superintendent of Schools, and the District Treasurer, must each give bond in an amount to be fixed by the District Board of Education in a reputable surety company authorized to do business in Alabama, conditioned upon his faithful performance of the duties of his office and upon his accounting for and paying over to the proper authority of all monies coming into his hands. Such bonds shall be approved by the Judge of Probate of the County. A certified copy of the bonds of the District Superintendent of Schools and the District Treasurer shall be placed on file in the office of the Judge of Probate of the County. No public funds shall be paid to the District Treasurer prior to the making and approval of the bonds of the District Superintendent of Schools and the Treasurer or prior to the filing of such bonds.

Section 24. Authority of District Board of Education. The District Board of Education is hereby vested with all the powers necessary or proper for the administration and management of the schools within the Independent School District. The District Board of Education shall have, within the Independent School District, all the powers, functions and duties that a City Board of Education has under Title 52, Sections 158 to 168, inclusive, and 170 to 174, inclusive, Alabama Code of 1940, as amended.

Section 25. Apportionment and Expenditure of Local School Funds. All local school monies raised for the support of the schools by taxation or otherwise shall be apportioned by the Existing Board of Education as follows:

(a) The Existing Board shall retain such portion as may be necessary to pay its own necessary administrative expenses;

(b) The Existing Board shall retain such portion as may be necessary to pay the principal and interest currently coming due on any indebtedness or obligations of the Existing Board of Education;

(c) The Existing Board shall distribute to the Independent School District or Districts or retain, as the case may be, the remainder thereof on the basis of the average number of pupils in daily attendance in the schools under the supervision and control of the Existing Board of Education and in the schools under the supervision and control of any District Board or Boards of Education that were formerly under the supervision and control of the Existing Board of Education, making such adjustment in such allocation as may appear just and proper to cover the principal and interest currently coming due on any indebtedness or obligations incurred by the Existing Board of Education for capital outlay within the Independent School District. Any sums so allocated to the schools within an Independent School District shall be paid over to the District Board of Education and expend-

ed in the Independent School District under the exclusive authority of the District Board of Education and such rules and regulations as it may prescribe. This section shall not, however, be construed to repeal any provision for the apportionment and expenditure of monies otherwise provided for by local or special act. All funds contributed by persons or otherwise to the Independent School District shall be applied as indicated in the grant of such contributors.

Section 26. Apportionment of State and County Funds to Independent School Districts. The County Board of Education of the County shall apportion annually to the District Board of Education in the County a sum sufficient, when added to the proceeds of the special three-mill district school tax apportioned to the Independent School District and to any state funds apportioned to the Independent School District, to provide a uniform minimum educational program for each Independent School District equivalent to the minimum program for the County, as provided in Title 52, Sections 208-215, Alabama Code of 1940, as amended, such uniform minimum educational program to be determined on the same basis as the minimum program for the County, including the Independent School District, and cities, is determined by the State Board of Education for the current year. The County Board of Education of the County, in apportioning funds for such uniform minimum program in any Independent School District, shall make no deductions because of local funds or special local tax levies, which may, in addition to the portion of the three-mill district tax allocated to the Independent School District, or the equivalent of such tax, be available to such Independent School District, and which additional funds have not been employed by the State Board of Education in apportioning funds to any County in connection with the State minimum program. The minimum amount which shall be apportioned to a District Board of Education shall be determined in the same manner as in the case of City Boards of Education as provided in Title 52, Section 204, Alabama Code of 1940.

Section 27. Existing Indebtedness of the School System from which the Independent School District Withdrew. Whenever an Area is, pursuant to the provisions of this Act, constituted an Independent School District, and the control and administration of educational matters affecting such District is transferred to or becomes vested in the District Board of Education, the existing indebtedness created prior to such transfer and the right to collect the same shall in no wise be impaired or affected.

Section 28. Operation of Public Schools as an Independent System. The schools of any Independent School District shall be operated as a system of public schools separate and apart from any other public school system in the State. They shall not be

subject to supervision, control or interference by any city board of education, any county board of education, or the State Board of Education or the State Superintendent of Education, except that compliance with any minimum standards required by the State Board of Education shall be required.

Section 29. Applicability of Pupil Placement Law and School Closing Law; Reopening of Schools. The provisions of Act No. 201, General Laws of Alabama, effective August 3, 1955, as amended by Act No. 367, General Laws of Alabama, effective August 26, 1957, and Act No. 528, General Laws of Alabama, effective September 16, 1957, shall apply to the operation of schools by District Boards of Education. In the event of the closing of the school or schools in the Independent School District by the District Board of Education pursuant to said Act No. 528 of 1957, the District Board of Education shall nevertheless continue in existence for the purpose of receiving any distribution of school funds and such Board shall have authority to expend such portion of such funds as are necessary for the performance of its functions and duties while so acting and shall distribute the funds remaining pursuant to the provisions of Act No. 528, General Laws of Alabama, effective September 16, 1957. The District Board of Education shall also have authority to reopen the schools in such Independent School District.

Section 30. Consolidation or Merger of Independent School District. Whenever the District Boards of Education of two or more adjacent Independent School Districts shall agree that such Districts should be consolidated and merged into one consolidated Independent School District and shall agree upon the terms of such consolidation or merger, such District Boards of Education shall request the Governing Body of the County to call an election in all the Areas proposed to be consolidated or merged into one Independent School District. The Governing Body shall thereupon order an election to be held at the time specified in said petition, and such election shall be held, notice given, ballots and other election supplies and equipment provided, and returns canvassed and results declared in the same manner as elections for the withdrawal of an Area and the organization thereof as an Independent School District as hereinabove in this Act provided. In the event that the agreement of consolidation or merger by the District Boards of Education does not provide which five members shall continue as members of the Board of Education of the merged or consolidated Independent School District, the terms of office of all members of the District Boards of Education of the Independent School Districts so merged shall terminate, and a new District Board of Education for the combined and consolidated Independent School District shall be appointed in the manner as hereinabove provided in cases where an Independent School District withdraws from an existing school system.

Section 31. Severability. If any section, sentence, clause or provision of this Act shall be held unconstitutional, illegal or invalid by any court of competent jurisdiction, the remaining sections, sentences, clauses and provisions of this Act shall nevertheless stand and be construed as if such unconstitutional, illegal or invalid section, sentence, clause or provision had not been included herein.

Section 32. Effective Date. This Act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 10, 1959.
Time: 5:25 P. M.

Act No. 40

S. 22—Caffey and Dumas

AN ACT

To repeal Act No. 82 adopted at the 1945 Regular Session of the Legislature of Alabama (General Acts of Alabama of 1945, page 79).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 82 adopted at the 1945 Regular Session of the Legislature of Alabama and approved on January 9, 1945 (General Acts of Alabama of 1945, page 79) is hereby repealed in its entirety.

Section 2. Nothing contained in this act shall be construed to affect the power of the Alabama State Docks Department, as the successor to the Department of State Docks and Terminals, to issue securities under the provisions of any other act heretofore or hereafter enacted by the Legislature.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 11, 1959.
Time: 6:10 P. M.

Act No. 41

H. 35—Bevill, Shumate

AN ACT

To fix the time of holding meetings of the court of county commissioners, board of revenue, or other like governing body in all counties having a population of not less than 63,500 nor more than 72,500, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of every county having a popu-

lation of not less than 63,500 nor more than 72,500, according to the last or any subsequent federal decennial census, shall hold regular meetings of the court on Monday of each week between the hours of one o'clock p.m. and four-thirty o'clock p.m.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:00 P. M.

Act No. 42

H. 45—Copeland, Hanby

AN ACT

To amend Section 2 of Act No. 450, H. 958, approved September 9, 1955 (Acts of Alabama, 1955, p. 1003), entitled "An Act To fix the salaries of certain county officers in counties having a population of not less than eighty thousand nor more than ninety-four thousand inhabitants according to the 1950 federal census, or any subsequent federal census" by providing further for the compensation of the judge of the county court.

Be It Enacted by the Legislature of Alabama:

Section 2 of Act No. 450, H. 958, approved September 9, 1955 (Acts of Alabama, 1955, p. 1003), entitled "An Act To fix the salaries of certain county officers in counties having a population of not less than eighty thousand nor more than ninety-four thousand inhabitants according to the 1950 federal census, or any subsequent federal census," is amended to read as follows:

"Section 2. The following officers shall receive the following annual salaries in lieu of all other compensation:

"(a) Tax Assessor—Sixty-six hundred dollars

"(b) Tax Collector—Sixty-six hundred dollars

"(c) Judge of the County Court—Seventy-eight hundred dollars."

Approved August 12, 1959.

Time: 3:05 P. M.

Act No. 43

H. 46—Phillips

AN ACT

To authorize the circuit clerk of Choctaw County to employ a secretarial assistant, and to authorize and regulate the payment of compensation to such assistant from county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit clerk of Choctaw County may employ a secretarial assistant, who shall serve at his pleasure and receive such salary as he may determine. An amount not to exceed one hundred fifty dollars (\$150) a month shall be paid by the county as compensation to such secretarial assistant; and this amount shall be payable monthly, from the general fund of the county, on the requisition of the circuit clerk.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:10 P. M.

Act No. 44

H. 49—Harris

AN ACT

To amend Section 32 of Act No. 637, S. 472, approved September 18, 1957 (Acts of Alabama 1957, p. 956), entitled "An Act To establish a DeKalb County Superior Court for DeKalb County; to define its jurisdiction and powers; To provide for its officers, their powers, duties and compensation; To provide that the said court shall be open at all times for the trial of cases and transaction of business; Prescribing rules and procedure of said Court; and to provide for the transfer of cases now pending in the DeKalb County Court to the DeKalb County Superior Court; To provide for the repeal of the DeKalb County Court, DeKalb County, Alabama, as created by Act No. 179 Local Acts, 1927, Legislature, pages 93 to 101 inclusive, as amended; To create a fine and forfeiture fund and to provide for payment of claims, to transfer funds from DeKalb County Fine and Forfeiture Fund to DeKalb County Superior Court Fine and Forfeiture Fund; To provide for a Solicitor for the DeKalb County Superior Court, his term of office and election, compensation and duties; To provide for payment of expenses of said Court out of the General Fund of DeKalb County, Alabama."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32 of Act No. 637, S. 472, approved September 18, 1957 (Acts of Alabama 1957, p. 956), entitled "An Act To establish a DeKalb County Superior Court for DeKalb County; to define its jurisdiction and powers; To provide for its officers, their powers, duties and compensation; To provide that the said court shall be open at all times for the trial of cases and transaction of business; Prescribing rules and procedure of said Court; and to provide for the transfer of cases now pending in the DeKalb County Court to the DeKalb County Superior Court; To provide for the repeal of the DeKalb County Court, DeKalb County, Alabama, as created by Act No. 179 Local Acts, 1927, Legislature, pages 93 to 101 inclusive, as amended; To create a fine and for-

feiture fund and to provide for payment of claims, to transfer funds from DeKalb County Fine and Forfeiture Fund to DeKalb County Superior Court Fine and Forfeiture Fund; To provide for a Solicitor for the DeKalb County Superior Court, his term of office and election, compensation and duties; To provide for payment of expenses of said Court out of the General Fund of DeKalb County, Alabama," is amended to read as follows:

"Section 32. That should, at any time, the DeKalb County Superior Court Fine and Forfeiture Fund accumulate a sum in excess of Five Hundred Dollars above the claims outstanding against said fund, said excess shall be paid over to the County Treasury of DeKalb County, Alabama for general county purposes by the Custodian of said fund."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:11 P. M.

Act No. 45

H. 60—Hocklander

AN ACT

Relating to notices to delinquent taxpayers in counties having a population of not less than 200,000 nor more than 500,000 according to the last or any subsequent federal decennial census; providing a more convenient and economical system of serving such notices.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply in all counties of this State having a population of not less than 200,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census.

Section 2. After the first day of January the tax collector must make a personal demand in writing upon delinquent taxpayers, or their agents charged with duty of paying their taxes, whenever they may be found, for the amount of their taxes and fees. It shall be the duty of such delinquents forthwith to pay the taxes and fees assessed or charged against them. But failure to comply with the requirements of this Act shall not invalidate the title to any property sold for taxes.

Section 3. As soon as practicable after receiving from the tax collector the book containing the list of delinquent taxes as prepared and filed by the tax collector as required by Title 51, Sections 250 and 251, Code of Alabama (1940), the Judge of Probate shall give notice to all persons against whom any unpaid taxes are assessed, as shown by such book, by publication once a week for two successive weeks in any newspaper published in said

County. Such notice shall contain the names in alphabetical order, of all the delinquent taxpayers and the amount of taxes, fees and costs due and unpaid by each of them, however, such notice need not show the ward or precinct in which such property is assessed nor otherwise describe the property against which such taxes were assessed except those properties assessed to an "Owner Unknown", which publications shall contain a description of the property. The notice shall be in substantially the following form:

"The State of Alabama (Here insert name of County) County.

"To Whom It May Concern:

"Take notice that the Tax Collector has filed in my office a list of delinquent taxpayers, and the real estate upon which taxes are due. On such list it appears that taxes on certain real estate assessed to the following named parties in the amounts shown opposite each name are delinquent:

"(Here insert names of delinquent taxpayers and amounts due by each.)

"This is to notify each of you whose names appear above, to appear before the Probate Court of this County, at the next term thereof, commencing on Monday, the _____ day of _____, 19____, then and there to show cause, if any you have, why a decree of sale of said real estate should not be made for the payment of the taxes, fees and cost assessed upon said real estate.

"(Here Probate Judge's Signature), Judge of Probate."

For serving such notice the probate judge is entitled to a fee of twenty-five cents for each name of a delinquent taxpayer included in each notice advertised, except that when the property described and assessed to an "Owner Unknown" such advertising cost as now prescribed by law, such fee and advertising cost to be collected in the same manner that other fees and costs relative to delinquent taxes are collected, and no other fee shall be charged or collected for the service of such notice.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed. This Act supersedes Act No. 137, H. 185, approved February 24, 1956.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.
Time: 3:12 P. M.

AN ACT

Relating to Lawrence County: To provide deputies for the sheriff of such county, to fix their salaries, and to provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Lawrence County may, after the effective date of this Act, employ the following deputy sheriffs who shall be paid by the county: One chief deputy sheriff whose compensation shall be two hundred and sixty-five dollars (\$265) per month; and in addition thereto three deputy sheriffs each of whom shall be entitled to receive a compensation of two hundred and forty dollars (\$240) per month.

The chief deputy and each of the other deputy sheriffs shall serve at the pleasure of the sheriff, and each of them shall be eligible to perform any of the duties of deputy sheriff anywhere in the county; however, two of the deputy sheriffs shall be particularly assigned the duty of enforcing state traffic and vehicle laws and the enforcement of such laws shall be the primary duty of these two deputy sheriffs, though, they may, when not engaged in enforcing state traffic and vehicle laws, perform such other duties as the sheriff directs. The salary of each of these two deputy sheriffs shall be paid, in whole or in part, out of the county public highway and traffic fund or the general fund, as the county governing body directs. The salary of the chief deputy and the other deputy sheriff shall be paid out of the county general fund. Each of the foregoing deputy sheriffs shall receive their compensation in equal monthly installments upon warrants drawn in the same manner as those draw for salaries of other employees of Lawrence County.

Section 2. Nothing in this Act shall be construed as limiting the power of the sheriff to deputize specially as many persons as he may think necessary to assist him in the performance of his duties.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.
Time: 3:14 P. M.

Act No. 47

H. 68—Dodd

AN ACT

Relating to Lawrence County; providing for the election of members of the board of revenue, court of county commissioners, or other like governing body of Lawrence County by district.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this Act, the several members of the board of revenue, court of county commissioners, or other like governing body of Lawrence County shall be nominated and elected by the qualified electors of the several commissioners districts of the county. A member shall be elected for each district, and he shall be a resident and qualified elector of the district for which he is elected. The members of the board of revenue, court of county commissioners, or other like governing body of the county shall be elected at the time, in the manner, and for the terms provided by law, except as otherwise herein provided.

Section 2. The provisions of this Act shall become effective only if approved by a majority of the electors of Lawrence County, voting in a referendum to be held on the date of the first county-wide primary, general, or special election held after the passage of this Act. The Board of Revenue of Lawrence County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. _____ of the 1959 Regular Session of the Legislature, which provides for the election of members of the Board of Revenue by districts, be adopted? Yes () No ()." If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become operative immediately. If the majority are "No," this Act shall have no effect. The probate judge of Lawrence County shall certify the result of the election to the Secretary of State within 30 days after the returns thereof are canvassed.

Approved August 12, 1959.

Time: 3:19 P. M.

Act No. 48

H. 71—Goodwyn, Bailey, Pierce, Goldthwaite

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory located in Sections 29 and 32, T16N, R18E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in

Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City that certain additional territory lying within the following described boundaries, to-wit;

Beginning at the intersection of the North right-of-way line of the Southern By-Pass and the West right-of-way line of the Narrow Lane Road, thence East and along the North right-of-way line of the Southern By-Pass to the East line of Section 32, T16N, R18E, thence along the East line of said Section 32 to the Northeast corner thereof, thence continuing North along the East line of Section 29, T16N, R18E, to a point on the South side of Tullis Drive, thence West along the South side of Tullis Drive a distance of 50.0 feet, thence North 50 feet to the Northwest corner of the intersection of Tullis Drive and Antoinette Avenue, thence North along the West side of Antoinette Avenue to the Southwest corner of the intersection of Greenview Road and Antoinette Avenue, thence West along the South side of Greenview Road 1280 feet more or less, to a point on the East line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 29 (said line being the present city limits).

Section 2. That this Act shall become effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:20 P. M.

Act No. 49

H. 72—Goodwyn, Bailey, Pierce, Goldthwaite

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 15, T16N, R18E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ of Section 15, T16N, R18E, Montgomery County, Alabama; thence North 00° 48'W along the East line of the NE $\frac{1}{4}$ of said Section 15 a distance of 1,294.23 feet, more or less, to the Southeast corner of Goodwin Heights Plat; thence N89°58'W along the South line of said Goodwin Heights Plat a distance of 1,311.45 feet, more or less, to a point on the West side of Perry Hill Road; thence South along the West side of Perry Hill Road and the curvature thereof a distance

of 1,320 feet, more or less, to a point on the South line of the said NE $\frac{1}{4}$ of Section 15, T16N, R18E; thence N89°00'E along the said South line of said NE $\frac{1}{4}$ of Section 15, a distance of 1336 feet, more or less, to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:21 P. M.

Act No. 50

H. 75—Smith (Russell), Cornett

AN ACT

Providing for the relief of Wiley Upshaw by Russell County; directing the court of county commissioners, board of revenue, or other like governing body of Russell County to make an appropriation from the county treasury to compensate the said Wiley Upshaw for certain property damages sustained by him.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Russell County is directed to appropriate from any funds in the county treasury not otherwise appropriated the sum of three hundred thirty dollars (\$330) for the relief of Wiley Upshaw, to compensate him for property damages sustained by him as a result of a motor vehicle accident involving county road equipment during the month of December 1957, which accident occurred under such circumstances that Russell County is morally and justly obligated to pay damages but the said Wiley Upshaw has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:22 P. M.

Act No. 51

H. 78—Shumate, Beville

AN ACT

Relating to the appointment of a secretary by the solicitor of the Fourteenth Circuit, prescribing the powers, duties, and compensation of such secretary, and providing for payment of such compensation by Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The solicitor of the Fourteenth Circuit is hereby

authorized and empowered to appoint a secretary who shall serve at his pleasure. Such secretary shall be stationed in the office of the solicitor and shall perform such secretarial and stenographic duties as the solicitor may direct. When directed by the solicitor, such secretary may enter the grand jury room when the grand jury is in session for the purpose of taking down the testimony of witnesses and later transcribing it for the use of the solicitor or his deputies and assistants. Such secretary shall, at the request of the county solicitor, when other duties permit it, perform secretarial duties for the county solicitor, provided such work is connected with and related to the performance by the county solicitor of his official duties.

Section 2. The compensation of the secretary of the solicitor provided for in this Act shall be a salary of two hundred dollars per month, which shall be paid from the treasury of Walker County, on warrants drawn in the manner prescribed by law.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:23 P. M.

Act No. 52

H. 83—Guthrie

AN ACT

To prescribe the minimum compensation to be paid school bus drivers employed by the board of education of Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect, the minimum salary, wage, or hire that shall be paid to any person regularly employed by or on behalf of the county board of education of Cullman County as a school bus driver or operator shall be one hundred dollars a month, and the existing contracts of presently employed drivers or operators shall be adjusted when and where necessary to effectuate the purpose of this Act.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective on the first day of the month next following the date of its enactment.

Approved August 12, 1959.

Time: 3:23 P. M.

Act No. 53

H. 85—Sessions, Morrow, Hawkins, Edwards,
Rast, Locke, Perry

AN ACT

To repeal Act Number 701 approved September 20, 1957, (Acts of Alabama 1957, beginning at page 1061) said Act 701 being entitled An Act to authorize and make provision for the incorporation in any City of the State of Alabama having a population of 300,000 or more according to the last or any subsequent federal census of an authority as a public corporation for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with the power of eminent domain; to provide that any City for which an authority has been organized under this act may aid and cooperate in the planning, undertaking construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey, or transfer money, real property, personal property, mixed property or any right capable of transfer to such authority; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agents, servants or employees; to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence; to provide that such pledge may be provided for in an indenture between said authority and a corporate trustee or by resolution providing for the issuance of the bonds; to provide that said authority may include in any indenture or resolution authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the use to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom, the property of said authority, and the business and activities conducted or engaged in by said authority; to authorize the investment of municipal funds in bonds of the authority; to provide that said bonds shall be legal investments for fiduciaries and savings banks and insurance companies; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publi-

cation within which actions and defenses may be asserted respecting said bonds, pledge, and indenture and the proceedings authorizing the same; to provide that the provisions of this act shall be cumulative; to provide for audits of the books and accounts of the authority and to provide that the provisions of this act shall be severable; to protect certain civil service and pension rights of employees of municipal airports taken over by such authority; to provide for competitive bidding on construction contracts in excess of ten thousand dollars; to provide for a date upon which this act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That an Act entitled An Act to authorize and make provision for the incorporation in any City of the State of Alabama having a population of 300,000 or more according to the last or any subsequent federal census of an authority as a public corporation for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with the power of eminent domain; to provide that any City for which an authority has been organized under this act may aid and cooperate in the planning, undertaking construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey, or transfer money, real property, personal property, mixed property or any right capable of transfer to such authority; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agents, servants or employees; to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence; to provide that such pledge may be provided for in an indenture between said authority and a corporate trustee or by resolution providing for the issuance of the bonds; to provide that said authority may include in any indenture or resolution authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the use to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to

provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom, the property of said authority, and the business and activities conducted or engaged in by said authority; to authorize the investment of municipal funds in bonds of the authority; to provide that said bonds shall be legal investments for fiduciaries and savings banks and insurance companies; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge, and indenture and the proceedings authorizing the same; to provide that the provisions of this act shall be cumulative; to provide for audits of the books and accounts of the authority and to provide that the provisions of this act shall be severable; to protect certain civil service and pension rights of employees of municipal airports taken over by such authority; to provide for competitive bidding on construction contracts in excess of ten thousand dollars; to provide for a date upon which this act shall become effective; approved September 20, 1957, (Act 701 of Acts of Alabama 1957 page 1061) be and the same is hereby repealed.

Section 2. That this Act shall go into effect upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:24 P. M.

Act No. 54

H. 88—Murphy, Hocklander

AN ACT

To amend further Section 55 of Title 17, Code of Alabama 1940, to authorize the board of revenue, court of county commissioners, or other like governing body of any county having a population of not less than 225,000 nor more than 500,000, according to the last or any subsequent federal decennial census, to provide all necessary clerical help, stationery, office supplies, equipment, and other facilities reasonably required by the board of registrars of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 55 of Title 17, Code of Alabama 1940, as amended by an act approved August 7, 1951, is further amended to read as follows:

“Section 55. The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. Such assistants shall be paid out of the county treasury by warrants, drawn by the commissioners court, board of revenue, or other governing body, on certificate of the probate judge, accompanied by the

certificates of the person being paid, showing the amount is due under the provisions of this article; but the entire amount spent for such assistants and clerical help shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by five cents. The judge of probate in all counties having a population of not less than one hundred thousand nor more than three hundred fifty thousand, according to the last or any subsequent federal census, is hereby authorized and directed to employ a clerk to assist the board of registrars of said county. The duties of said clerk shall be to submit to the board of registrars, revised election lists of said county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, non-resident and fictitious persons named upon said roll and those convicted of crime, and shall further attend to all clerical work of the board of registrars. Such clerk shall be paid a compensation out of the county treasury, of not more than two hundred and fifty dollars per month, to be fixed by the judge of probate. The board of revenue, court of county commissioners, or other like governing body of any county having a population of not less than 225,000 nor more than 500,000, according to the last or any subsequent federal decennial census, is hereby authorized to provide all necessary clerical help, stationery, office supplies, equipment, and other facilities as the county board of registrars may reasonably require in transacting its business."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:25 P. M.

Act No. 55

H. 89—Murphy, Hocklander

AN ACT

To amend further Section 4 of an act approved September 7, 1955 entitled "An Act to create in any county in this State having a population of not less than 225,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority and compensation; regulating its procedure; abolishing the office of judge of the juvenile court in any such counties; and providing that the judge of the domestic relations division of the circuit court shall be ex officio judge of the juvenile court" (Act No. 345, H. 291, Acts of Alabama 1955, Vol. II, p. 783).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of the act approved September 7, 1955, entitled "An Act to create in any county in this State having a population of not less than 225,000 nor more than 500,000, accord-

ing to the last or any subsequent Federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority and compensation; regulating its procedure; abolishing the office of judge of the juvenile court in any such counties; and providing that the judge of the domestic relations division of the circuit court shall be ex officio judge of the juvenile court" (Act No. 345, S. 291, 1955 Acts Vol. II, p. 783) is hereby amended to read as follows:

"Section 4. (a) The register of the circuit court shall appoint a deputy register of the circuit court who shall serve under the direction and shall hold office at the pleasure of the register of the circuit court. Said deputy register shall be responsible for the functions of said domestic relations division of the circuit court and as deputy register be empowered to transact all business and perform all duties of such register and to hold references and make reports. The deputy register shall receive a salary of Six Thousand Six Hundred Dollars per annum payable in twelve equal monthly installments out of the general funds of the county. If any county coming within the influence of this act has a civil service system the deputy register hereby provided for shall be in the exempt service and no rules or regulations of the civil service shall govern the appointment, discharge or compensation. Said deputy register before entering upon the duties of his office shall give bond to the State of Alabama in a sum to be set by the governing authority, to execute faithfully all the duties of his office during his continuance therein. During the absence of the ex officio judge of the juvenile court of said county, the deputy register of the domestic relations division of the circuit court shall be empowered to transact all business and perform all duties as the regular ex officio judge during his absence, subject to the procedure provided for by said court.

"(b) The judge shall appoint a bailiff of the domestic relations division of the circuit court, who shall perform the same duties and receive the same salary as do the other bailiffs in the circuit court.

"(c) The judge shall appoint an accounts clerk from the classified service of the county to be paid a salary commensurate with the duties performed as hereinafter set out. Said accounts clerk shall remain within the classified service of said county and be subject to all rules and regulations of the county civil service.

"(d) An accounts department be and hereby is established for receiving, keeping and paying out all alimony or support payments arising out of this court and the juvenile court, whether for adults or children, whether temporary or permanent, and upon the paying out or disbursing said alimony or support payments, the accounts clerk shall deduct from said payments one percent

to be paid into the office of the county treasurer as soon as practicable after the close of business each month, and further said clerk and records shall be subject to audit by the examiners of accounts, State of Alabama. Said accounts clerk shall keep a separate record of all such receipts and disbursements in each case, and shall further be responsible for keeping records of said payments cumulatively but shall not be responsible for retaining such receipts and disbursements in each case for a period longer than one year after an audit by the said examiners of accounts.

“(e) Before entering into the discharge of such duties, such accounts clerk shall make and file a bond in the sum of \$10,000.00 conditioned as clerks and registers of the circuit court are conditioned. Such last named bond shall be taken and approved as are the bonds of clerks and registers of circuit courts. The premiums on such bonds shall be paid by the county in which said court exercises jurisdiction.

“(f) The court of county commissioners, board of revenue, or like governing body of said county are responsible for the furnishing of all supplies, equipment and other personnel and their salaries as the judge of said court may prescribe and as changed conditions may require without further amendment to this Act.

“(g) The accounts department shall be responsible for the collection and disbursement of all support money for wives or children, whether by order of the circuit court or under Title 34, Section 98 or by order of the juvenile court of said county.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:26 P. M.

Act No. 56

H. 96—Faulk

AN ACT

To fix the compensation of the coroner of Geneva County and provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Geneva County shall be entitled to receive an annual salary in the sum of four hundred eighty dollars (\$480), which salary shall be the entire compensation of the coroner and shall be in lieu of any fees, commissions, percentages, or allowances.

Section 2. The salary of the coroner of Geneva County shall be paid in equal monthly installments from the general fund of

the county in the same manner as the salary of the chief deputy sheriff.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:27 P. M.

Act No. 57

H. 99—Bishop

AN ACT

To authorize any county board of education and any city board of education to issue and sell interest bearing tax anticipation warrants for school purposes; to provide that such warrants shall not be general obligations of the issuing board of education but shall be payable, as to both principal and interest, solely out of the proceeds of any ad valorem tax voted under the constitution for the purpose of paying such warrants, or for school purposes generally, and paid, allocated or apportioned to or for the benefit of the board of education issuing such warrants or out of the proceeds of any privilege, license or excise tax or taxes paid, allocated or apportioned to or for the benefit of the board of education issuing such warrants; to require the pledge of the tax proceeds out of which such warrants are payable for the benefit of such warrants; to specify the effect and priority of each such pledge; to place certain limits on the principal amount of warrants payable out of an ad valorem tax that may be issued hereunder; to require public sale of any warrants issued hereunder; to authorize refunding of any such warrants; to require the approval of the state superintendent of education for the issuance of any such warrants and to specify the effect of any such approval; to provide that such warrants shall be legal investments for executors, administrators, trustees and other fiduciaries; to provide that such warrants and interest coupons applicable thereto, and any income derived therefrom, shall forever be exempt from any state, county, municipal and other taxation under the laws of the State of Alabama; to repeal Act No. 601 adopted at the 1949 Regular Session of the Legislature of Alabama and to provide that except for such repeal the provisions of this act shall not restrict, abridge or revoke any powers which any board of education had prior to the adoption of this act and that all county and city boards of education shall continue to have all powers granted them by Article 4 of Chapter 10 of Title 52 of the Code of Alabama of 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Any county board of education and any city board of education may issue and sell interest bearing tax anticipation warrants for the purpose of paying the costs of erecting, acquiring, providing, constructing, purchasing, altering, enlarging, improving, repairing and equipping school buildings, school playgrounds and buildings for housing and repairing school busses, and for the purpose of purchasing school busses, or for any one

or more of such purposes. Warrants issued under the provisions of this act shall not be general obligations of the board of education issuing such warrants but shall be payable, as to both principal and interest, solely out of one of the following: (a) the proceeds of any ad valorem tax voted under the constitution for the purpose of paying such warrants, or for school purposes generally, and paid, apportioned or allocated to or for the benefit of the board of education issuing such warrants, (b) the proceeds of any ad valorem tax that may be paid, apportioned or allocated to or for the benefit of the board of education issuing such warrants, or (c) the proceeds of any privilege, license or excise tax or taxes that may be paid, apportioned or allocated to or for the benefit of the board of education issuing such warrants. Any board of education issuing any warrants hereunder shall specify, in the proceedings authorizing such warrants, the tax proceeds out of which such warrants are to be payable and shall secure payment of the principal thereof and the interest thereon by a pledge of so much as may be necessary therefor of such tax proceeds. If any such board of education makes more than one such pledge with respect to the proceeds from the same tax, then such pledges shall take precedence in the order in which they are made unless the proceedings making the pledge prior in time shall specifically provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of the same tax proceeds. Warrants issued pursuant to the provisions of this act shall constitute preferred claims against the tax proceeds out of which they are payable, subject to prior pledges, and shall have preference over claims for salaries or other operating expenses or any other purpose. No board of education may issue, under the provisions of this act, warrants payable out of the proceeds of any ad valorem tax if the principal and interest maturing on such warrants in any fiscal year, when added to the principal and interest maturing in the same fiscal year on all warrants of such board of education then outstanding and constituting preferred claims against said ad valorem tax, would exceed eighty per cent of the annual proceeds of said ad valorem tax, computed upon the basis of the last assessed valuation on which taxes were due and payable, of the county or the district, as the case may be, as certified by the county tax assessor.

Section 2. Warrants issued pursuant to the provisions of this act may bear such rate or rates of interest, not exceeding six per centum per annum, payable semiannually (provided that the first interest payment date may be at any time not later than nine months after the date of such warrants), may be in such denomination or denominations, may have such maturity or maturities not exceeding thirty years from their date, may be made redeemable prior to maturity at the option of the issuing board of education at such redemption price or prices and on such terms and conditions, may be payable at such place or places within or with-

out this state, may be executed in such manner and may contain such terms and details not in conflict with the provisions of this act, all as the board of education issuing such warrants may provide in the proceedings wherein such warrants are authorized to be issued. All warrants issued pursuant to the provisions of this act shall be sold in the manner required by the provisions of Section 223 of Title 52 of the Code of Alabama of 1940, as amended, for the sale of capital outlay warrants, provided that the notice of public sale with respect to the sale of warrants issued hereunder that are not payable out of the proceeds of a county or district ad valorem tax shall, in lieu of stating whether a county or district tax is to be pledged therefor, briefly describe the tax to be pledged for payment of such warrants. No warrants issued pursuant to the provisions of this act may be sold for less than ninety-five per centum of their face value plus accrued interest on such warrants from their date to the date of their delivery, nor shall any warrants issued pursuant to the provisions of this act be sold at a price which would yield more than six per cent according to standard bond tables taking into account the discount and call provision, if any. The principal proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they were authorized to be issued, including the payment of any expenses incurred in connection with the issuance thereof.

Section 3. Each board of education issuing warrants pursuant to the provisions of this act may in like manner from time to time sell and issue refunding warrants for the purpose of refunding a like or greater principal amount of warrants then outstanding which were issued under the provisions of this act or any other act or statute authorizing the issuance of warrants by boards of education and the interest accrued thereon and any premium necessary to redeem or retire the warrants to be so refunded. The provisions of this act applicable to the original issue of warrants so refunded shall likewise be applicable to any such refunding warrants.

Section 4. Before issuing any warrants hereunder, the board of education by which such warrants are proposed to be issued shall cause an application for approval of such issue to be filed with the state superintendent of education. Such application shall be in such form and shall contain such information as the state superintendent of education may prescribe, and he may require such further information as may be necessary relating to the proposed warrants or other financial or educational matters under the control of such board of education. He shall not approve the issue of any warrants hereunder which would jeopardize the minimum state program of education as prescribed by law and in accordance with the rules and regulations of the state board of education. He shall not approve the issue of any war-

rants hereunder when the principal of or the interest on any other warrants constituting a preferred claim against the tax proceeds to be pledged for payment of the proposed warrants is overdue and unpaid, except warrants to refund the same. The written approval of the state superintendent of education of the amount and general purpose of the warrants shall be a sufficient approval of the issue, but he may at his discretion approve any of the terms and provisions of the warrants which in such event shall not be issued otherwise. He shall not approve the issuance of any refunding warrants unless evidence presented to him in his judgment shows (a) that an interest saving will thereby be effected without extending the date of payment of the warrants desired to be refunded, (b) that payment of warrants desired to be refunded will prevent the issuing board of education from operating schools the customary term in their jurisdiction, (c) that an extension of the time of payment of the warrants desired to be refunded is necessary to prevent the state's minimum program from being jeopardized, or (d) that the proceeds of the tax pledged for payment of the warrants to be refunded are not or will not be sufficient for the payment of the principal of and the interest on such warrants. The state superintendent's approval of the issue of any warrants hereunder shall be a conclusive determination that all necessary evidence has been presented to him. The written approval of the state superintendent of education of the issue of any warrants hereunder shall be a conclusive determination in favor of the validity of such warrants that all of the requirements of this act have been complied with. The state superintendent of education may also determine conclusively for all purposes relating to the validity of any warrants issued hereunder whether any other warrants constitute a preferred claim against the tax proceeds out of which the proposed warrants are payable. In all matters connected with his approval of warrants, the state superintendent of education shall comply with any regulations or instructions of the state board of education, but his failure to do so shall not affect the validity of warrants approved by him.

Section 5. Warrants issued pursuant to the provisions of this act shall be legal investments for executors, administrators, trustees and other fiduciaries.

Section 6. All warrants and interest coupons issued pursuant to the provisions of this act, and all income derived therefrom, shall forever be exempt from all state, county, municipal and other taxation under the laws of Alabama.

Section 7. Nothing herein contained shall be construed to authorize any board of education to pledge, for the benefit of any warrants issued hereunder, any portion of the minimum program fund moneys paid, apportioned or allocated to it under the provisions of Article 3 of Chapter 10 of Title 52 of the Code of Ala-

bama of 1940, nor any portion of public school fund moneys paid, apportioned or allocated to it under the provisions of Article 2 of Chapter 10 of Title 52 of the Code of Alabama of 1940.

Section 8. Act No. 601 adopted at the 1949 Regular Session of the Legislature of Alabama is hereby repealed. Except as provided in the preceding sentence, the provisions of this act shall not be deemed to restrict, abridge or revoke any power which any county or city board of education had prior to the adoption of this act. Without in any way limiting the generality of the foregoing, it is hereby declared that all county and city boards of education shall continue to have, in addition to the powers granted by this act, all the powers granted them by the provisions of Article 4 of Chapter 10 of Title 52 of the Code of Alabama of 1940, as amended, provided that the provisions of Section 233 of Title 52 of the Code of Alabama of 1940 shall not be applicable to any board of education exercising the powers granted in this act.

Section 9. If any clause, provision or section of this act shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other clause, provision or section hereof.

Section 10. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved August 12, 1959.
Time: 3:28 P. M.

Act No. 58

H. 103—Morrow, Edwards, Hawkins, Locke,
Rast, Sessions, Perry

AN ACT

For the relief of Sylvia Howell Russo and to authorize and direct the City of Birmingham to pay to said Sylvia Howell Russo the sum of \$66.86 for damages suffered as a result of a fire truck the property of the City of Birmingham striking her automobile.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Birmingham is hereby authorized and directed to pay to Sylvia Howell Russo as damages for injuries resulting to her automobile from being struck by a fire truck the property of the City of Birmingham, the sum of \$66.86. Said collision occurring on 3rd Avenue South near its intersection with 43rd Street South on to-wit March 12, 1959. The said sum of money, as aforesaid, is to be paid to the said Sylvia Howell Russo out of such moneys as may be constitutionally available.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 12, 1959.
Time: 3:29 P. M.

Act No. 59

H. 105—Roberts, Reynolds (Madison)

AN ACT

To provide for the payment into the general fund of Madison County of all witness fees in the County Court of Madison County which are unclaimed for a period of ninety days.

Be It Enacted by the Legislature of Alabama:

Section 1. All moneys now or hereafter collected and held by the clerk of the County Court of Madison County, which was established by Act No. 661, H. 1077, approved September 20, 1957 (Acts of Alabama, 1957, page 1003), as witness fees and which are unclaimed for a period of ninety days from the date of collection shall be paid into the general fund of Madison County by the clerk.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.
Time: 3:30 P. M.

Act No. 60

H. 108—Cates

AN ACT

To authorize the clerk of the circuit court of Shelby County to take complaints and issue warrants in criminal cases for offenses committed within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of Shelby County is hereby authorized and empowered to take complaints and issue warrants, including search warrants, in all criminal cases; all such warrants to be returnable to any court of proper jurisdiction within said county. For accepting such complaints and is-

suingsuch warrants the clerk shall be entitled to the fees provided by law for justices of the peace.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:31 P. M.

Act No. 61

H. 109—Cates

AN ACT

To abolish the fine and forfeiture fund of Shelby County; to provide for the payment of all fines and forfeitures collected into the general fund of the county; to provide for the payment of certain claims from the general fund of the county in lieu of the fine and forfeiture fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Hereafter, all fines and forfeitures paid in, or for the use and benefit of, Shelby County in the manner prescribed by law shall be deposited into the general fund of said county, and the previously existing fine and forfeiture fund of the county is hereby abolished. Any balance remaining in said fine and forfeiture fund on the effective date of this act shall be transferred to the general fund of the county and all previously registered claims, or other proper claims, heretofore payable from the fine and forfeiture fund of the county shall thereupon become chargeable against and payable from the general fund of the county.

Section 2. The claims of state witnesses and of the officers of the court in criminal cases heretofore payable from the fine and forfeiture fund of Shelby County shall, upon the passage and approval of this act, hereafter be paid from the general fund of said county.

Section 3. All laws or parts of laws, local, special or general, in conflict with the provisions hereof are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:32 P. M.

Act No. 62

H. 114—Harris

AN ACT

To provide for appointment of additional deputies sheriff in DeKalb County and for payment of their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. If the court of county commissioners, board of revenue, or other like governing body of DeKalb County approves, the sheriff of the county may appoint two deputies in addition to all other deputies heretofore provided for by law. The compensation of such deputies shall be fixed by the sheriff, subject to the approval of the county governing body, and shall be paid in equal monthly installments from the county treasury.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:34 P. M.

Act No. 63

H. 115—Turner

AN ACT

To provide for the relief of Bill Elrod, Jr., by Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Limestone County is hereby authorized and directed to pay to Bill Elrod, Jr., the sum of eighty-five dollars (\$85.00) from any funds of Limestone County not otherwise appropriated to compensate the said Bill Elrod, Jr., for damages to a motor vehicle owned by him, resulting from an accident occurring when such vehicle was driven upon a new fill around a bridge in Limestone County around which no flares or other warning signals or devices had been placed, which accident occurred under such circumstances that Limestone County is morally and justly obligated to pay such damages but the said Bill Elrod, Jr., has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:35 P. M.

Act No. 64

H. 81—Lee, Thomas

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the town of Louisville in Barbour County so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Louisville in Barbour County are hereby altered, rearranged, and extended so as to include within the corporate limits of said town all of the lands hereinafter described which are not presently embraced within the boundaries and corporate limits of the town, to wit:

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of Section 33; the east half of the SE $\frac{1}{4}$ of Section 32; in Township 10, Range 25.

The west half of Section 4; the east half of Section 5; the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and the east half of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5; the north half of the NW $\frac{1}{4}$ of Section 9; the north half of Section 8; the north half of the SE $\frac{1}{4}$, the north half of the SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 8; the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, the east half of the SE $\frac{1}{4}$, and the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 7; the north half of the NE $\frac{1}{4}$ of Section 18; in Township 9, Range 25.

Section 2. All farm lands and lands used for agricultural purposes annexed to the town of Louisville by this Act shall be exempt from property taxes levied by the town council so long as such lands are used for agricultural purposes.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:36 P. M.

Act No. 65

H. 97—Lee (Barbour), Thomas

AN ACT

To authorize the sheriff of Barbour County to appoint an additional deputy whose compensation shall be paid by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Barbour County may appoint a deputy in addition to all other deputies heretofore provided for by law, whose compensation shall be paid by the county. The ad-

ditional deputy provided for in this Act shall have all the authority provided by law for other deputy sheriffs, shall perform such duties as the sheriff may prescribe, and shall be entitled to a salary of not less than one hundred dollars (\$100) nor more than two hundred fifty (\$250) a month, to be fixed by the sheriff of Barbour County with the approval of the court of county commissioners, board of revenue, or other like governing body of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:37 P. M.

Act No. 66

H. 124—Hawkins, Sessions, Morrow,
Perry, Edwards, Rast

AN ACT

To amend Section 3 of an Act of the Legislature approved September 4, 1951, General Acts of Alabama of 1951, page 1132, as amended by Act No. 579, General Acts of Alabama of 1955, page 1279, and as further amended by Act No. 92, General Acts of Alabama of 1956, page 397, approved April 14, 1956, entitled: "An Act to levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census; to fix the rate or amount of such tax at, or at the rate of, two cents on each twelve fluid ounces or fractional part thereof of the above mentioned beverages; to provide that such tax shall be paid to the county for division, or distribution, between such county and the municipalities located therein; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of that certain act of the Legislature, approved September 4, 1951, General Acts of Alabama of 1951, page 1132, as amended by Act No. 579, General Acts of 1955, and further amended by Act No. 92, General Acts of Alabama of 1956, page 397, approved April 14, 1956, entitled: "An Act to levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census; to fix the rate or amount of such tax at, or at the rate of, two cents on each twelve fluid ounces or fractional part thereof of the above mentioned beverages; to provide that such tax shall be paid to the county for division, or distribution, between such county and the municipalities located therein;

to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act," be, and the same hereby is, amended to read as follows:

"Section 3. (a) Every distributor or seller of malt or brewed beverages shall in addition to all other taxes or licenses now imposed by law pay a license tax to the county, and a license tax is hereby fixed and created which shall be a sum and amount equal to one and one-third cents on each eight ounces or fractional part thereof per container of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within the county; provided, however, that where a container holds more than eight ounces but not in excess of twelve ounces, a license tax is hereby fixed and created which shall be a sum and amount equal to two cents on each such container holding more than eight ounces and not in excess of twelve ounces; provided, further, that where a container holds more than twelve ounces, but less than eighteen ounces, then such license tax shall be a sum equal to two cents on the first twelve fluid ounces and one cent on the additional six fluid ounces, or fractional part thereof, per container; and it is further provided that in the event malt or brewed beverages are authorized to be sold in a container which holds thirty-two ounces, then in that event such license tax on such malt or brewed beverages sold in containers holding thirty-two ounces shall be a sum and amount equal to five cents on each thirty-two ounce container; provided, however, that where the additional license tax hereby required to be paid shall have been paid by a distributor or seller of malt or brewed beverages, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on the same identical beverage; provided further, however, that any distributor or seller, in order to be exempt under this provision shall first comply with the provisions of sub-section (b) of this section. (b) Any distributor or seller of malt or brewed beverages, selling, distributing, delivering, storing, or taking out of storage, malt or brewed beverages purchased from any other distributor or seller of malt or brewed beverages who has paid the license tax thereon as fixed in sub-section (a) of this section shall not be required to pay such license; provided, however, that in order to obtain such exemption such distributor or seller claiming such exemption must, on or before the 15th day of the month next preceding the month in which this Act becomes effective, and on or before the 15th day of each and every calendar month thereafter, file with the Probate Judge of the county, a written statement, sworn to and subscribed by such distributor or seller, claiming exemption, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar

month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, and the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured, and the disposition thereof by such distributor or seller claiming the exemption; such statement to be made in form prescribed by the License Inspector. (c) Each and every distributor or seller of malt or brewed beverages, except such as claim and obtain exemption under the provisions of sub-division (b) of this section, shall, on or before the 15th day of the month next preceding the month in which this Act becomes effective, and on or before the 15th day of each and every month thereafter, file with the Probate Judge and License Inspector of the county, on forms prescribed by the License Inspector, a written statement, sworn to and subscribed by such distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured, and which also shall contain a detailed, itemized statement showing the name and address of each and every distributor, or seller, or other person to whom any malt or brewed beverages are sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages, sold, distributed or delivered to each, the size and kind of containers of each brand of such malt or brewed beverages, and the date or dates on which sold, distributed or delivered; and any distributor or seller failing, refusing, or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor and each day that such default continues shall constitute a separate offense. (d) The license herein fixed and prescribed in sub-section (a) of this section shall and must be paid by each person against whom the same is levied, or who is liable or subject to such license under the provisions hereof, on or before the 15th day of each calendar month, at the time of filing the statement required by subsection (c) of this section, which license shall be based on the sale, distribution, delivery, storage and taking out of storage, of malt or brewed beverages, during the calendar month next preceding; and any person failing, refusing, or omitting to pay such license within the time herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense, and in addition to the other penalties herein provided

for, there shall be added to such license tax a penalty of twenty per centum of the amount thereof for such delinquency, said penalty to be paid to the License Inspector, and by him paid into the general treasury of the county for the use of the county. (e) In the event that any such malt or brewed beverage is, or becomes, unfit for human consumption, such malt or brewed beverage shall be exempt from the tax levied hereby, provided, however, no such exemption shall apply unless a finding that such beverage is unfit for human consumption is made by the License Inspector in the manner provided for herein and unless the said beverage is returned to the brewery from which it was received. When it is claimed that any such malt or brewed beverage is unfit for human consumption, as a condition to obtaining such exemption, the person so claiming the same shall be required to submit to the License Inspector a statement, verified under oath, setting forth the circumstances, conditions, and facts rendering such beverage unfit for human consumption. In addition, such statement shall contain any other information deemed by the License Inspector to be material to the inquiry. After considering such statement and other information, the License Inspector shall make a finding in writing as to whether said beverage is unfit for human consumption. If the License Inspector finds such beverage unfit for human consumption, then upon satisfactory proof being made to the License Inspector by said claimant that said beverage has been returned to the brewery, the exemption provided for herein shall be allowed."

Section 2. Severability—If, for any reason, any clause, sentence, subsection, section or provision of this act, or the application thereof to any person, body, situation, or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation, or circumstance shall not be affected thereby.

Section 3. Repealing Clause—All laws and parts of laws inconsistent or in conflict with this act are hereby expressly repealed.

Section 4. This act shall become effective on October 1, 1959, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:39 P. M.

Act No. 67

H. 125—Perry, Morrow, Rast, Edwards,
Sessions, Hawkins, Locke

AN ACT

To authorize any county of the state having a population of 500,000 or more according to the last or any subsequent federal census to pay

all necessary medical bills, doctors' bills, hospital bills, X-Ray bills and drug bills, incurred by an employee of the county in the treatment of injuries received by such employee in the performance of his or her duty for the county. Provided, such payment by the county shall not cover a period of treatment exceeding sixty days.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to any county of the state having a population of 500,000 or more according to the last or any subsequent federal census. The governing body of any such county is authorized to pay out of the general funds of such county all necessary medical bills, doctors' bills, hospital bills, X-ray bills and drug bills, incurred by an employee of the county in the treatment of injuries received by such employee in the performance of his or her duty for the county. Provided, such payment by the county shall not cover a period of treatment exceeding sixty days.

Section 2. This Act shall become effective upon its approval by the Governor or by its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:40 P. M.

Act No. 68

H. 61—Perry, Hocklander

AN ACT

To provide for the issuance of distinctive motor vehicle license plates or tags to duly constituted Consuls and Honorary Consuls of foreign countries who are officially stationed in Alabama for the use of such Consuls on private passenger vehicles in lieu of the standard license plate or tag now required: to provide for the issuance of such license plates upon proper application being made to the State Department of Revenue; and to provide that such license plates be issued without the payment of the license tax, and upon the payment of an issuance fee of fifty cents to the State Department of Revenue; and to provide that this Act shall be designated as Section 693 (4) of Title 51, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Duly constituted and appointed Consuls and Honorary Consuls of foreign countries who are officially stationed in Alabama, may, upon application to the State Department of Revenue supported by proper proof of their said office, and subject otherwise to the provisions hereof, be issued annually a set of distinctive motor vehicle license plates or tags identifying such Consuls, to be used on private passenger vehicles in lieu of the standard license plates required on such vehicles. The license plates in this connection shall be substantially in the following form:

"Consular Corps, No. _____, Alabama 195_____."

Section 2. Each such set of plates shall contain a serial num-

ber designated by the State Department of Revenue, and the State Department of Revenue shall keep a record of each such set of plates issued by it, together with the serial number, and such other information as may be necessary.

Section 3. Such Consuls, where duly appointed and stationed in Alabama, and where their application has been approved by the State Department of Revenue, shall be entitled to a set of such license plates without the payment of license tax, and upon the payment of an issuance fee of fifty cents to the State Department of Revenue.

Section 4. The distinctive license plates issued hereunder shall not be transferable, and shall be valid only as to the passenger vehicle of the Consul to whom same may be issued, and shall be good only so long as such Consul shall be qualified therefor during the specific fiscal year for which issued.

Section 5. Such distinctive plates or tags shall be prepared and furnished for the license year commencing October 1, 1959, and annually thereafter.

Section 6. The provisions of this Act are supplementary to the laws of this State pertaining to the licensing of motor vehicles and nothing herein shall be construed as repealing any of such laws.

Section 7. This Act shall be designated as Section 693 (4), Title 51, Code of Alabama 1940, and shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 12, 1959.
Time: 3:42 P. M.

Act No. 69

H. 74—Gross

AN ACT

Relating to Jackson County, Alabama: To abolish the Jackson County Court of Law and to create and establish in lieu thereof a court of record to be known as the "Jackson County Court"; to define the court's jurisdiction, powers and venue; to provide for its officers, their appointment and election, their powers, duties, tenure and compensation; to provide for the transfer of all cases from the dockets of the Jackson County Court of Law to the Jackson County Court; to provide for the transfer of certain cases pending in the Jackson County Court to the law or equity side of the Circuit Court; to invest said court with the powers and jurisdiction heretofore exercised by the Jackson County Court of Law; to prescribe rules of procedure for said court; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide for the execution of the process of said court and the operation thereof; and to repeal all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. That there be and there is hereby established in and for the County of Jackson, State of Alabama, a court of law which shall be called "Jackson County Court", which shall be a court of record, and which shall have and exercise the jurisdiction, authority, function and powers hereinafter conferred upon it by this Act.

Section 2. That the said Court shall adopt a seal which shall be in the custody of the clerk of said court.

Section 3. That the Governor shall appoint the first Judge of the Jackson County Court to serve as such Judge until the 2nd Tuesday after First Monday in January, 1965. At the general election for State and Court Officers to be held in November, 1964, and every six (6) years thereafter, a judge for said court shall be elected by the qualified electors of Jackson County, Alabama, voting at said election, whose term of office shall begin on the second Tuesday after the first Monday in January after his election. The judge of said court, before entering upon the duties of said office, shall take oath required by law to be taken by judges of the Circuit Courts of Alabama. The said judge shall be a qualified elector of Jackson County, Alabama; shall be a licensed practicing attorney; and shall be not less than twenty-five (25) years of age. In case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the Circuit Courts shall apply. The judge of said court shall be subject to the same penalties for failure to attend upon the Court as are Circuit Judges of this State. The judge of said court shall keep an office in the Courthouse of Jackson County, Alabama, and it shall be the duty of the Board of Revenue of Jackson County, Alabama, to provide such office, and supply the same with necessary furnishings, fixtures, stationary, and supplies.

Section 4. That the first judge of the court hereby created shall receive a salary of Six Thousand (\$6,000.00) Dollars per annum, payable in equal monthly installments out of the County Treasury at the end of each month, his signed receipt being required.

Section 5. Vacancies in the office of the judge of said court shall be filled by appointment by the Governor, and the person so appointed shall hold office as required by the Constitution of this State. Said judge may be removed from office in the manner, and for the causes, now provided by law for the removal of Circuit Judges.

Section 6. That the deputy solicitor appointed or elected for Jackson County Circuit Court shall represent the State in all criminal cases in said court, as ex-officio solicitor of the Jackson

County Court, and shall receive a salary of Thirty Six Hundred (\$3,600.00) Dollars per annum, payable in equal monthly installments out of the County Treasury at the end of each month, his signed receipt being required, and said salary or compensation shall be in lieu of all other salary or compensation now provided by law for said deputy solicitor in said county. For every conviction for a misdemeanor in the Jackson County Court there shall be taxed and collected, as a part of the costs, and paid into the County Treasury the same solicitor's fees provided for conviction in such cases in the Circuit Courts of Alabama.

Section 7. The clerk of the Circuit Court of Jackson County, Alabama, shall be ex-officio clerk of the Jackson County Court hereby established, and he shall keep a civil and criminal docket of all cases brought before the court, and of the minutes and records as are now required by law to be kept by clerks of the Circuit Courts, and he shall have authority to issue all necessary summons and complaints, as to all cases filed in the court, and all other civil and criminal process which clerks of the Circuit Courts are now required or empowered by law to issue, and shall have the same powers to issue warrants of arrest as a magistrate, returnable to the court created hereby. He shall have authority to swear witnesses at the trial of all cases in this court. It shall be the duty of the clerk to tax and collect in each civil and criminal case in the Jackson County Court the same costs, fees, commissions, and compensations for services of the solicitor, the clerk, the sheriff, and the witnesses which are now allowed, or which may hereafter be allowed, by law to be taxed, charged, and collected in the Circuit Courts of this State, and he shall disburse the same fees, commissions and compensations as are now, or may hereafter be allowed, or required in Circuit Courts of Alabama, except as may be herein otherwise provided. It shall also be his duty to collect, or receive from the sheriff, all fines and forfeitures in the court, which he shall pay into the Jackson County Fine and Forfeiture Fund. He shall also have all other powers and discharge all other duties which shall devolve upon the clerks of the Circuit Courts of Alabama, and shall be subject to the same pains and penalties with regard to the duties of the office as by law provided in the Circuit Courts of Alabama. The deputy clerk of the Circuit Court of Jackson County, Alabama, shall be ex-officio deputy clerk of the Jackson County Court, and shall exercise the same powers and perform the same duties as are exercised and performed in the Circuit Courts of Alabama.

Section 8. It shall be the duty of the clerk of said court to keep a record upon which shall be recorded all affidavits made before the clerk or judge of said court, or returnable by a justice of the peace, or judge of an inferior court in said county, to said court, and if any of said affidavits should be lost or destroyed,

the record thereof or a certified copy of the said record shall be used the same as the original affidavit.

Section 9. That the clerk, with the approval of the judge of said court, is hereby authorized to purchase all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said court, and the same shall be paid out of the County Treasury upon warrants drawn by the judge and signed by the clerk.

Section 10. That the judge of said court shall appoint a competent person capable of taking the proceedings of said court in shorthand, or by mechanical device or devices, as the official reporter for said court, and shall make an order of appointment of such official reporter, and when so appointed may be removed by the judge of said court at his discretion, and his duties shall be the same as are now provided by law for the reporter of the Circuit Courts of the State and he shall receive the same rate of compensation for transcribing the testimony or other proceedings as are now provided for said Circuit Court Reporter, but shall as a salary receive only the amount hereafter provided for in the next succeeding section hereof. Provided, however, the judge may from time to time appoint a temporary or acting court reporter whose compensation shall be on a per diem basis and shall not exceed Six Hundred Dollars (\$600.00) per year, which said compensation shall be paid by the Clerk from the funds collected as stenographer's fees.

Section 11. That in all cases in said court a stenographer's fee of Five Dollars (\$5.00) shall be charged and collected, except in cases where a money judgment is sought, in civil cases of less than One Hundred Dollars (\$100.00), as determined by the complaint and in cases where there is a judgment by default, and in all criminal cases wherein the defendant pleads guilty before any testimony has been taken, there shall be charged and collected as stenographer's fee only One Dollar (\$1.00), which said funds shall be paid by the clerk to the official court reporter, if one has been appointed for said court, or retained by the clerk for payment of acting or temporary court reporter's compensation.

Section 12. The sheriff of Jackson County shall, in person or by a deputy, or deputies appointed by him, said appointment to be approved by the judge of said court, be required to attend upon said court in preserving order, and execute all writs of process, and perform such other duties, in all respects as in the Circuit Courts of this State, and for himself and each deputy required for attendance upon said session of said court, he shall receive the same amount received by sheriffs and deputies in the Circuit Courts of the State of Alabama, payable out of the County Treasury upon his warrant, approved by the presiding judge, provided that the sheriff and his deputies shall not receive

pay except for the time that the court is actually in session and none of such compensation to the deputies shall be shared in by the sheriff; and for the service by the sheriff of the process of said court, the sheriff shall receive the same fees and compensations for serving the process of the court as he receives under the laws of the State of Alabama or any laws enacted in the future by the Legislature of Alabama for the compensation of the sheriff for similar services in the Circuit Court.

Section 13. That said court shall be held at the courthouse of Jackson County, Alabama, and that said court shall be open at all times for the trial of cases and transaction of business. The judge of said court may determine and fix the time of holding the sessions of said court for the trial of all cases, both civil and criminal; provided, however, that all civil and criminal cases in which no jury is demanded, shall be called for trial at least once in each month, and for the trial of civil and criminal cases wherein juries have been demanded there shall be three sessions of court each year, and time of said sessions to be fixed by the court by order entered upon the minutes of the court. Provided, however, that this section shall not be construed to prevent the continuance of any case in said court, by agreement of counsel or the parties on good cause shown to the court, and when any cause is so continued to a specified time either for a cause shown to the court or by agreement of the parties or counsel, it shall not be necessary to call said case until the expiration of the time to which it has been continued, and provided further that the court shall have the right and power to call extraordinary sessions of said court whenever, in the judgment of the court, the same are necessary.

Section 14. Said court shall have concurrent jurisdiction with the Circuit Court of Jackson County, Alabama, in civil cases where the amount involved does not exceed Six Thousand Dollars (\$6,000.00), and original jurisdiction in all actions of ejectment, civil cases where the amount involved does not exceed Fifty Dollars (\$50.00), as determined by the complaint, actions of unlawful detainer and forcible entry and unlawful detainer, and trial of the rights of property, irrespective of the amount involved, or the value of the property; provided, that in actions of unlawful detainer, and forcible entry and unlawful detainer the defendant may, within the time allowed for pleading, file an affidavit, and give bond as now authorized by law in actions of this kind, and thereafter the same shall be tried as other actions in ejectment.

Section 15. That all actions of ejectment, forcible entry and unlawful detainer, and other civil cases are to be tried by the court without the intervention of a jury, unless, at the time of filing the suit, the plaintiff shall endorse upon the summons and complaint a demand for a jury trial, or that the defendant or claimant at the time of filing the first pleadings in the case or

at the time of making his appearance, shall demand a trial by jury, in writing, to be filed in the cause; provided, however, that all cases involving less than Fifty Dollars (\$50.00) shall be tried by the court without the intervention of a jury; and provided further that all criminal cases shall be tried without the intervention of a jury unless a demand for a jury is endorsed upon the bond at the time of making the same, or a demand in writing be filed in the cause within fifteen (15) days after the arrest of the defendant.

Section 16. That civil causes may be transferred from the Jackson County Court to the Circuit Court in Equity for the same reasons, in the same manner and under the same rules and regulations as is now provided for the transfer of causes from the law side of the Circuit Court to the equity side of said court.

Section 17. That in all actions of ejectment, forcible entry and unlawful detainer, and trial to the rights of property, and in all civil cases where the amount involved exceeds One Hundred Dollars (\$100.00), the defendants therein shall be required by the summons served upon them to appear and plead or demur to the complaint within twenty (20) days after the service of such summons and complaint upon them; and in all cases commenced by attachment, the defendants shall appear and plead or demur within twenty (20) days after service of the notice of the levy of the attachment or, in cases where the suit is brought against non-residents, or other persons whom service is had by publication, within twenty (20) days after the perfection of such service by publication, and in all other cases, the defendant must appear and plead within ten (10) days after service upon them; and in cases whether commenced by summons and complaint, attachment or otherwise, any defendant failing to appear after service upon him has been perfected or notice given him as herein required, shall be held to be in default, and at any time thereafter, on motion of the plaintiff, judgment by default shall be rendered against him; provided that the court may, for good cause shown, allow such judgment so obtained by default, to be set aside, and demurrers or pleas to be filed on such terms as the court may think best; provided, however, that in all cases when judgment by default has been rendered against the defendant, the plaintiff may execute a writ of inquiry before the court without the intervention of a jury, and have final judgment rendered thereon.

Section 18. That all garnishments issued from said court shall require an answer thereto within twenty (20) days, after the service thereof, and upon the failure of the garnishee to make such answer within twenty (20) days, he shall be deemed to be in default, and a judgment nisi may be rendered against him on the motion of the plaintiff, and unless otherwise ordered by the judge of said court, all citations, rules, writs of scire facias, and notices issuing from the said court, shall require the party against

whom they are issued to appear and plead within twenty (20) days after notice thereof; and, if citation or notice is to be given by publication, then within twenty (20) days after the perfection of service by publication; that all cases, whether commenced by a summons and complaint, attachment or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant, and his pleading to the complaint.

Section 19. That final judgments rendered in said court shall, after the expiration of fifteen (15) days from their rendition, be taken and deemed to have passed beyond the control of said court, as if the term of court at which said judgments were rendered had ended, provided, however, that nothing herein contained shall prevent the parties applying for a new trial or rehearing within fifteen (15) days, or change or destroy the office of motions for new trials or rehearing, when so made, or shall prevent parties from applying to the court for rehearing under the statute authorizing applications for rehearing in the Circuit Court.

Section 20. That after five (5) days from the rendition of any judgment, unless otherwise directed in said judgment, the clerk of said court shall issue execution returnable in not less than ten (10) nor more than thirty (30) days after the issuance of such execution; provided that nothing herein contained shall prevent any person from having execution issued within five (5) days upon making affidavit now provided by law in relation to the issuance of executions upon judgments in the Circuit Court, and provided further, that nothing herein contained shall prevent the superseding of executions after the issuance thereof upon filing bond as now required by law.

Section 21. That this court shall have exclusive jurisdiction of all cases appealed from the justice of the peace, and all other inferior courts of Jackson County, and all cases appealed from the municipal courts and all original mesne processes, writs, notices, etc. shall be executed instanter, to be returnable immediately upon the execution thereof, by the officers receiving the same; and all cases so appealed shall stand for trial at any time after ten (10) days notice of the suing out of the appeal to the adverse party, the notice to be given as now provided by law.

Section 22. In all causes in the Jackson County Court brought by appeal or certiorari from judgments of justices of the peace, recorders or other inferior courts, jurisdiction of which cases the said Jackson County Court shall have, the issue and question of facts shall be tried by the judge of the court without the intervention of a jury unless a demand for a trial by jury be made in writing and filed in the cause by the party suing out the appeal or certiorari within ten (10) days after suing out the same, or filed in the cause by the opposite party in all civil cases within ten (10) days after he has been served with notice of appeal or

certiorari, unless said cause is sooner called for trial in which case the demand shall be made at the first call of said cause.

Section 23. Prosecutions for misdemeanors committed in Jackson County may be instituted in this court by making an affidavit before the judge of said court or the clerk thereof, the writ on said affidavit to be issued by the clerk of said court, and when the defendant is arrested on said affidavit, said case shall go on the docket for trial, and be tried as though the defendant has been indicted by a grand jury, provided, however, that the affidavit or complaint may be amended as now provided for amendment of such papers by Code of Alabama, 1940, Title 13, Section 347.

Section 24. The judge of said court shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warranto, and all other special and extraordinary writs, except such as are peculiar to a court of chancery; and the rules of the Circuit Courts of Alabama as are now or which may hereafter be provided by law, except as otherwise provided in this Act, shall prevail in the Jackson County Court, and the Judge thereof shall have the same power and authority, including punishment for contempt, as is or may hereafter be conferred upon judges of the Circuit Courts of Alabama, unless otherwise provided in this Act.

Section 25. That if for any reason, a forfeiture be taken on any bond on the criminal side of said court, the court may order the alias capias returnable within ten (10) days, and unless the party, or parties, against whom the forfeiture is taken, shall appear and show cause, when the forfeiture is returnable, why the forfeiture should not be made final, then the court is hereby authorized and empowered to make the judgment final.

Section 26. The venue in any case in the said Jackson County Court may be changed to other counties under the same orders and regulations as govern change of venue in the Circuit Court.

Section 27. That all jurors for Jackson County Court of Law shall be summoned from the entire county; that the venire for said court shall consist of not less than forty-four (44) jurors drawn as provided by law for the drawing and summoning of jurors for the Circuit Courts of Alabama.

Section 28. That the Supreme Court and the Court of appeals of this State shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State and the judges thereof, and appeals may be taken from the orders and judgments of said court to the Supreme Court and Court of Appeals in the same manner, and within the same time as appeals are now taken from the orders and judgments of the Circuit Courts of the State.

Section 29. That the Act creating the Jackson County Court of Law is hereby repealed and the Jackson County Court of Law is hereby abolished; and from and after the passage of this Act the Jackson County Court of Law shall no longer exist; and all cases, both civil and criminal, pending in said Jackson County Court of Law, when this Act becomes a law, shall immediately become pending upon the dockets of the Jackson County Court as though originally brought in said Court, except cases wherein a will contest is pending, which said cases shall be transferred to the Circuit Court to be tried according to law. That all files, papers, costs and judgment entries pertaining to all cases now pending or heretofore filed in the Jackson County Court of Law shall be and the same are hereby transferred to the Jackson County Court and all further proceedings thereon shall be had as if the cases had originated in the Jackson County Court, or as if the judgments had been obtained in this Court.

Section 30. That all laws, both local and general, in conflict with this Act, are hereby repealed.

Section 31. That the provisions of this Act are hereby declared to be severable. If, for any reason, any section, provision or clause of this Act shall be held to be unconstitutional or invalid, then that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 32. That the provisions of this Act are to take effect from and after the approval thereof.

Section 33. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:41 P. M.

Act No. 70

H. 118—Camp, Lee, Hocklander

AN ACT

To establish a legislative definition of the term "blind person," and to provide a method for proving blindness for certain purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in any statute of this state heretofore or hereafter enacted, unless the context requires a different meaning, the term "blind person" means a natural person who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential; or who has central visual acuity of 20/200 or less in the better eye with correcting glasses; or whose central visual

acuity is more than 20/200 in the better eye with correcting glasses but whose peripheral field has contracted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees.

Section 2. The condition of blindness may be proved by a blind person claiming any rights or benefits provided under any statute of this State by certificate of a duly licensed ophthalmologist or optometrist.

Section 3. No thing herein contained shall prevent the State Department of Pensions and Security from establishing a different definition of blindness for use in determining eligibility for blind assistance under the program administered by it as provided for in Section 13 of Act No. 703 of the 1951 Legislature (Acts 1951, page 1211 et seq.) or from establishing procedures and qualifying personnel to determine the existence of blindness within such definition so established for such purpose or from reviewing any such determination so made to determine the correctness of such decision in its supervisory power in the administration of the blind assistance program.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1959.

Time: 3:42 P. M.

Act No. 71

H. J. R. 29—Gilchrist, Solomon, Branyon, Harvey, Johnson (Tallapoosa), Oakley, Adams (Tallapoosa), Gilmer, Lee, Nichols

HOUSE JOINT RESOLUTION

Whereas, H. Res. 7740, a federal measure of vital concern to southern cotton farmers has now been passed by the Congress of the United States; and

Whereas the provisions of H. Res. 7740 were recommended and endorsed by the Alabama Legislative Cotton Study Committee and many farmers, ginner, processors, and others, and is considered by them the most important piece of legislation introduced to remedy the grossly inequitable system of transferring cotton allotment acreage away from the South, the traditional cotton-growing area, to the new cotton growing areas of the far west; and

Whereas the members of Alabama's Congressional Delegation have worked diligently, unceasingly, and tirelessly to secure the passage of this measure by the Congress; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, THE SENATE AND HOUSE OF REPRESENTATIVES JOINTLY CONCURRING, That we hereby express our grateful appreciation to the individuals composing Alabama's Congressional Delegation for their herculean and tenacious efforts, and congratulate them heartily on their momentous contribution to the welfare of the cotton farmers of the South.

Resolved further, That we extend special thanks to the press of Alabama, to the publishers of the Progressive Farmer, and to the many farmers, ginners, processors, and others who promoted and supported this important federal legislation.

Resolved also, that duly attested copies of this resolution be sent to the members of Alabama's Congressional Delegation and that copies be released forthwith to the press.

Approved August 12, 1959.

Time: 3:43 P. M.

Act No. 72

H. 95—Goodwyn

AN ACT

To provide appropriations of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, for the payment of expenses incurred by said Department for the administration of the State Unemployment Compensation Law and public employment offices during the Federal fiscal years July 1, 1959, through June 30, 1960, and July 1, 1960, through June 30, 1961.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Department of Industrial Relations out of the moneys credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States pursuant to Section 903 of the Social Security Act, as amended, the sum of \$133,325 for the remainder of the Federal fiscal year July 1, 1959, through June 30, 1960, and \$200,000.00 for the Federal fiscal year July 1, 1960, through June 30, 1961, which sums of money may be requisitioned, as needed, for the administration of the Department's employment security program, to discharge that part of the cost of administration and operations of the Department's Division of Employment Security which is in excess of that financed by grants from the Federal Government or any agency thereof. Authorization for

requisition and expenditure of these moneys shall be limited to the following purposes and amounts.

(1) For the remainder of the Federal fiscal year July 1, 1959, through June 30, 1960:

(a) \$121,000 for payment of salaries of persons employed by the said Division of Employment Security, both in the central office located in Montgomery, Alabama, and in the public employment offices maintained and operated by it throughout the state.

(b) \$5,000 for travel by personnel of said Division of Employment Security in connection with the administration of said Employment Security Program.

(c) \$7,325 for the payment of the said Division's share (based on the amount of salaries appropriated herein) of the cost of State Retirement benefits and Federal Old Age and Survivor's Insurance for its employees.

(2) For the Federal fiscal year July 1, 1960 through June 30, 1961, in a total amount not to exceed the amount specified in the initial budget notification (U. S. Department of Labor Form ES-105) as the reduction made by the Department of Labor in approving the grant of funds for such fiscal year:

(a) \$177,650.00 for payment of salaries of persons employed by the said Division of Employment Security, both in the central office located in Montgomery, Alabama, and in the public employment offices maintained and operated by it throughout the state.

(b) \$10,000.00 for travel by personnel of said Division of Employment Security in connection with the administration of said Employment Security Program.

(c) \$12,350.00 for the payment of the said Division's share (based on the amount of salaries appropriated herein) of the cost of State Retirement benefits and Federal Old Age and Survivor's Insurance for its employees.

Section 2. Of the amounts hereby appropriated, there may be used in any twelve-month period ending on June 30 only that amount which exceeds the sum credited to the State of Alabama pursuant to Section 903 of the Social Security Act, as amended, during such twelve-month period and the four preceding twelve-month periods less any amounts which have been used.

Section 3. Money requisitioned pursuant to Section 1 hereof shall, until expended, remain a part of the unemployment fund. Expenditure of the moneys appropriated by Section 1 of this Act is not authorized after the close of the two-year period which begins on the date of enactment hereof. Any unexpended balance shall revert to this State's account in the Unemployment Trust

Fund at the close of such two-year period or at such earlier date as is practicable.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved August 13, 1959.

Time: 9:11 A. M.

Act No. 73

S. 13—Samford

AN ACT

To amend Act No. 530, H. 629, approved September 13, 1957 (Acts of Alabama, 1957, page 726), which relates to the licensing and regulation of insurance agents, solicitors and brokers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 530, H. 629, approved September 13, 1957 (Acts of Alabama, 1957, page 726) which relates to the licensing and regulation of insurance agents, solicitors, and brokers, is hereby amended to read as follows:

"Section 4. General Qualifications of Licensees. (a) The licensee shall be a natural person 21 years of age or more, or one upon whom majority rights have been conferred, or, if a managing general agent, shall be a natural person, firm or corporation, and such licensee shall be a citizen of the United States and be domiciled in and a bona fide resident of this State for not less than six months preceding the date of application for license. Provided, the requirement with respect to residence shall not apply to managing general agents nor service representatives. Provided further, that the residence and domiciliary requirement may be waived upon determination by the Superintendent that such waiver would be in the public interest and would prevent a hardship, if the applicant for a license

"(1) is a bona fide resident of and maintains an established office in a populous community lying partly in Alabama and partly in an adjoining State, which is composed of two or more contiguous cities, towns, or villages not completely separated by a natural boundary;

"(2) designates in writing the Superintendent of Insurance as his agent or attorney for acceptance of personal service of process in all actions involving matters connected with or arising out of his insurance business conducted in Alabama;

"(3) agrees to keep like records, make similar reports, and permit inspection of his records to the same extent as other licensees hereunder; and

"(4) if the adjoining State by law or administrative action accords residents of Alabama a like waiver, benefit, or privilege.

"(b) The licensee shall be of good moral character and shall not have been convicted of a felony nor of any crime involving moral turpitude.

"(c) No corporation, partnership, firm, association, nor other artificial entity shall be licensed as an agent, solicitor or broker; provided, however, that any such corporation, partnership, firm, association or other artificial entity may advertise its insurance business if its insurance business is in the charge of a duly licensed agent.

"(d) To qualify for a broker's license, the applicant shall have had experience either as an agent, solicitor, adjuster, managing general agent, broker or as an employee or special representative of an insurer or insurers, or special education or training of sufficient duration and extent reasonably to satisfy the Superintendent that he possesses the competence necessary to fulfill the responsibilities of broker."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 13, 1959.

Time: 9:15 A. M.

Act No. 74

H. J. R. 30—Turnham, Torbert, Johnson (Tallapoosa), Adams (Tallapoosa)

HOUSE JOINT RESOLUTION

WHEREAS keen competition for the national Babe Ruth League championship is presently underway; and

WHEREAS the Alabama Championship has been decided, and the Alabama championship team, composed of 13 to 15 year old boys from Auburn and Camp Hill, managed by Jerry Beasley, of Auburn, and Razor Smith, of Camp Hill, will play the Tennessee champions in Montgomery, Wednesday, August 12; now therefore, be it

RESOLVED BY THE LEGISLATURE OF ALABAMA, THE SENATE AND HOUSE CONCURRING, That we warmly commend the Alabama Championship Babe Ruth Team, its players and managers, and extend to them best wishes for their future success. We also urge every one who can do so to attend the game and give Alabama's champions his moral support and encouragement.

Approved August 14, 1959.

Time: 10:20 A. M.

Act No. 75

H. J. R. 31—Cates, Speaks, Callahan

HOUSE JOINT RESOLUTION

Whereas Dr. John Tyler Caldwell, an outstanding scholar and educator, is a former president of Alabama College, in Montevallo, and served as Alabama's representative on the Southern Regional Education Board from 1948 until 1952, while president of Alabama College; and

Whereas Dr. Caldwell, in 1952, assumed the presidency of the University of Arkansas, and has been recently appointed chancellor of North Carolina State College; and

Whereas Dr. Caldwell's many friends in Alabama are ever mindful of his great contribution to higher education in our State, and take pleasure in noting his accomplishments and progress during the course of his distinguished career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature hereby take note of the distinguished accomplishments of Dr. John Tyler Caldwell, and extend to him their warmest congratulations upon his recent appointment as chancellor of North Carolina State College.

Be it further resolved that the Clerk of the House transmit a copy of this resolution to Dr. Caldwell.

Approved August 14, 1959.

Time: 10:21 A. M.

Act No. 76

H. 116—Goodwyn

AN ACT

To amend further the act approved November 1, 1950 providing old-age and survivors insurance for certain officers and employees of the state and local governments and making appropriations therefor (Act No. 48, H. 34, Acts of Alabama, Special Sessions 1950, Vol. I, p. 102) so as to clarify the definitions of certain terms used in the act; and making the amendment retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 5 of the act approved November 1, 1950, providing old-age and survivors insurance for certain officers and employees of the state and local governments and making appropriations therefor (Act No. 48, H. 34, Acts of Alabama, Special Sessions 1950, Vol. I, p. 102) are hereby amended to read as follows:

"Section 2. Definitions. For the purposes of this Act—

"(a) The term 'wages' means all remuneration for employment as defined herein, including the cash value of all remunera-

tion paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for 'employment' within the meaning of the Federal Insurance Contributions Act, would not constitute 'wages' within the meaning of that Act.

"(b) The term 'employment' means any service performed by an employee in the employ of the State, or any political subdivision thereof, or any instrumentality of either, for such employer, except (i) service which in the absence of an agreement entered into under this Act would constitute 'employment' as defined in section 210 of the Social Security Act; or (ii) service which under applicable Federal law may not be included in an agreement between the State and the Federal Agency entered into under this Act.

"(c) The term 'employee' includes an officer of a state, political subdivision, or instrumentality, whose compensation is paid from funds of the State, political subdivision, instrumentality, or employing official, and includes all elected or appointed (salaried and fee basis) officers, deputies, assistants and clerks, or any other employee.

"(d) The term 'State Agency' means the Secretary of State of the State of Alabama and the State Social Security Advisory Board provided for here, or a majority of them, to wit: one member to be a state official or employee appointed by the Governor; two members to be county officials or employees appointed by the Governor from nominations made by the executive authority of the Association of Probate Judges and County Commissioners; and two members to be municipal officials or employees appointed by the Governor from nominations made by the executive authority of the Alabama League of Municipalities; and each member shall serve during his good behavior, to be determined by the appointing power, or during his continuance in office or employment, as the case may be.

"(e) The term 'Federal Agency,' means in each case such Federal officer, department, or agency as is charged on behalf of the Federal Government, by or under the applicable Federal law, with the particular Federal function referred to in this Act in connection with such term.

"(f) The term 'political subdivision' includes any county, township, municipal corporation, school district, or other equivalent governmental entity.

"(g) The term 'instrumentality,' when referring to an instrumentality of the State or political subdivision, includes only a legal entity which is separate and distinct from the State or such subdivision and whose employees are not by virtue of their relation to such entity employees of the State or such subdivision.

"(h) The term 'applicable Federal law' refers to the provisions of Federal law, Public Law 734, 81st Congress, as such Act may from time to time be amended (including Federal regulations and requirements issued pursuant thereto), or any other Federal Laws which provide for extending the benefits of Title II of the Social Security Act to employees of states, political subdivisions, and their instrumentalities.

"(i) The term 'Social Security Act' means the Act of Congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the 'Social Security Act,' as such Act has been and may from time to time be amended.

"(j) The term 'Federal Insurance Contributions Act' means subchapter A of chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended.

"Section 5. Plans for Coverage of Employees of Political Subdivisions and of State and Local Instrumentalities. (a) Each political subdivision of the State and each instrumentality of the State or of a political subdivision is hereby authorized to submit for approval by the State Agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable Federal law, to employees of any such political subdivision or instrumentality. Each such plan or any amendment thereof shall be approved by the State Agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the State Agency, except that no such plan shall be approved unless—

"(1) It is in conformity with the requirements of the applicable Federal law and with the agreement entered into under section 3.

"(2) It provides that all services which constitute employment as defined in section 2 and are performed in the employ of the political subdivision or instrumentality by any employees thereof, shall be covered by the plan.

"(3) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purposes from wages, fees, and other compensation for services performed.

"(4) It provides for such methods of administration of the plan by the political subdivision or instrumentality as are found by the State Agency to be necessary for the proper and efficient administration of the plan.

"(5) It provides that the political subdivision or instrumen-

tality will make such reports, in such form and containing such information, as the State Agency may from time to time require, and comply with such provisions as the State Agency or the Federal Agency may from time to time find necessary to assure the correctness and verifications of such reports.

"(6) It authorizes the State Agency to terminate the plan in its entirety, in the discretion of the State Agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the State Agency and be consistent with applicable Federal law.

"(b) The State Agency shall not finally refuse to approve a plan submitted under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to each political subdivision or instrumentality affected thereby.

"(c) (1) Each political subdivision or instrumentality as to which a plan has been approved under this section shall pay into the Contribution Fund, with respect to wages (as defined in section 2 of this Act), at such time or times as the State Agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the State Agency under section 3.

"(2) Every political subdivision or instrumentality required to make payments under paragraph (1) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this Act, to impose upon its employees, as to services which are covered by an approved plan, a contribution with respect to wages (as defined in section 2 of this Act), not exceeding the amount of tax which would be imposed by section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from the wages as and when paid. Contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

"(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of 6 per centum per annum, be recovered by action in a court of competent jurisdiction against the political subdivision or instrumentality liable therefor or shall, at the request of the State Agency, be deducted from any other moneys payable to such subdivision or instrumentality by any department or agency of the State."

Section 2. This Act is remedial and shall be given retroactive effect.

Approved August 14, 1959.

Time: 10:22 A. M.

Act No. 77

H. 122—Adams (Houston)

AN ACT

To provide for the relief of J. A. Logue, J. B. Davis, W. Harvey Hicks, Haley A. Hollis, F. C. Jackson, and G. D. Raley, all of Houston County; making an appropriation of eight hundred dollars from the general fund of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of eight hundred dollars (\$800), or so much thereof as may be necessary, is hereby appropriated from the general fund of Houston County for the relief of J. A. Logue, J. B. Davis, W. Harvey Hicks, Haley A. Hollis, F. C. Jackson, and G. D. Raley.

Section 2. The said J. A. Logue, J. B. Davis, W. Harvey Hicks, Haley A. Hollis, F. C. Jackson, and G. D. Raley, shall each be paid from the appropriation herein made the amount paid by him to the county in satisfaction of charges made in the report of examination of The Board of Revenue and Control of Houston County for the period October 1, 1956-September 30, 1957, as filed September 30, 1958, with respect to certain coroners fees paid by the county and certain premiums paid by the county on errors and omissions insurance.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:23 A. M.

Act No. 78

H. 123—Adams (Houston)

AN ACT

Relating to City of Dothan, Houston County; to provide for the relief of City Employee Albert R. Johnson, pursuant to Resolution No. 2364 of said City and the concurrence of its Pension Board by allowing credit for prior employment towards retirement.

Be It Enacted by the Legislature of Alabama:

Section 1: That, pursuant to petition of the Board of Commis-

sioners of the City of Dothan, and the concurrence of the Pension Board of the Retirement System of said City, City Employee Albert R. Johnson be, and he is hereby credited for employment by said City for the period July 1, 1924 to October 1, 1924, 3 months, for retirement purposes.

Section 2: This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:24 A. M.

Act No. 79

S. 27—Dumas

AN ACT

To protect and preserve basic trust and fiduciary purposes and interests inherent in the intent and understanding when property in Alabama shall have been subjected or devoted to local church, charitable or educational uses; to prevent impairment of such intent and to preserve the charitable or trust use intended, from subjection to uses, functions or doctrines subversive of such intent or inconsistent with social order, harmony and good will in the administration thereof as a result of or in the event of action by any higher or affiliate church or other authority affecting the administration or use of the property; and to provide for repayment of unsecured loans or grants made by the parent church (or its affiliated organizations) to the local church as those terms are herein defined; and to provide procedure for protection and preservation of such intent, and the religious, charitable or educational use involved, and for declaratory action to that end.

Be It Enacted by the Legislature of Alabama:

Section 1.

Definitions: As used in this Act, unless the context otherwise requires, the term:

(a) Majority group means sixty-five per centum or more of membership resident in Alabama, enrolled in any local protestant church, not including members who are minors under the age of twenty-one years at the date of filing the bill of complaint or other action herein provided for; or with respect to any corporation or group organized in Alabama for charitable or educational purposes, "majority group" means sixty-five per centum or more of the adult membership resident in Alabama of any governing or voting board having voting authority in the control or administration of such organization.

(b) Local church means any charge, church, parish or mission of the protestant faith, whether or not incorporated, in any city, town or county in Alabama, which holds title to or a fiduciary or trust interest in property or the income therefrom and which is affiliated with, or recognizes the doctrinal, religious, administrative, jurisdictional, ecclesiastical or other superior authority of a

larger denominational or ecclesiastical body of the same faith. The term "local church" shall also include any organization, organized in Alabama, for charitable or educational purposes, having title to or administrative supervision or control (in trust) over property subject to any such higher jurisdiction or authority.

(c) Parent church means the larger denominational or ecclesiastical body or authority having jurisdiction over or affiliated with such local charge, church, parish or mission of the protestant faith, having under the plan of organization of the particular protestant church jurisdiction in the matter or practice of faith, doctrine, membership, ministers, property, social creed or pronouncements, or other organic or administrative function of that protestant church; the designation "Parent Church" being applicable to any such authority whose action or interpretation is made the basis for relief and protection hereunder.

(d) Church property means all property, real, personal or mixed, belonging to or in the possession of the local church (as herein defined) or title to which is vested in the local church or in Trustees for the use and benefit of such local church or a corporation, if the local church is incorporated, whether such use and benefit are expressed in title instruments or not.

(e) Trust clause means any clause or provision inserted in a deed, transfer, will or contract, or which is required by the law or discipline of the parent church to be so inserted, providing that property acquired by the local church or in the name of trustees or a corporation for the use of the local church shall be held in trust for the use and benefit of the parent church, or one or more of its affiliates, ministers, officers or agents; or a clause in the deed, will, church law or discipline providing substantially as follows:

In trust, that said premises shall be used, kept and maintained as a place of divine worship of the parent church, or as a place of residence for the use and occupancy of ministers of the parent church, subject to the discipline, usage and ministerial appointments of said church as from time to time authorized and declared by the law-making bodies of the parent church.

(f) Withdraw or withdrawal means the voluntary action of the majority group taken or initiated to sever the affiliation, connection or church ties of the local church with or from the parent church as authorized by the provisions of this Act.

(g) Change of social policies means any substantial and material change in or departure from the discipline, social creed, jurisdictional system, authoritative pronouncements or other church law relating to the social standards, practices or policies of the parent church or its affiliated institutions, as the same existed at the time of affiliation or merger of the local church with the

parent church, and which change is contrary to the way of life of the majority group.

(h) Affiliated organizations means organizations or boards deriving their powers, functions, funds and property directly from the parent church, as herein defined, or from its law-making body; and does not mean organizations or boards organized under or answerable to any State Conference, Board, Convention or Authority constituting a branch of the parent church.

Section 2. The right and equity are hereby recognized and declared on behalf of the majority group of any local church owning title to or an interest in church property, to preserve and protect the same from impairment or loss, and to prevent church property held subject to the trust clause from being converted to or used for an unintended or different use or purpose, due to a change of social policies of the parent church; and to be relieved of a material miscarriage of intent or understanding, or failure of or departure from the intent or understanding of such local church, or the majority group thereof, with respect to its use of the church property, or the conduct of its traditional social practices due to a change of social policies of the parent church or of any one or more of its affiliated organizations.

Section 3. The majority group of any local church may withdraw from the parent church, and upon withdrawal shall be permitted to devote the church property to the uses originally intended free of the influence of the trust clause, provided the facts upon which the right of withdrawal is conditioned hereunder shall be judicially determined to exist in and by a judicial proceeding as provided for in this Act.

While this act is not intended to control any doctrinal, religious, educational, social or other formula or practice of the parent church, as herein defined, one of its purposes is to afford an effective remedy and procedure for the preservation and protection of trust, charitable, educational or church property from impairment or loss thereof, when the intended trust use thereof is threatened as a proximate result of subsequent action by the parent church inconsistent with the basic intent or assumption inherent in or expressed and fixed before, during or in the acquisition or dedication thereof.

Section 4. Whenever as a result of action of the parent church or any of its authoritative subdivisions, or its law-making body, the majority group of any local church shall determine that there has been a change of social policies, within the meaning hereof, or that any act, declaration, law, policy, social creed or jurisdictional system of the parent church is contrary to the basic intent, understanding or basic assumption existing between the contributors, donors or grantors of the church property and the local

church, or between such contributors, grantors or donors and any trustee of property held for the benefit of the local church or held by or for the use of the local church subject to the trust clause; and whenever such majority group shall find and determine that such act, declaration or policy of the parent church is not only contrary to such basic intent, understanding or assumption but that acquiescence therein would be contrary to the welfare of the local church or the peace, order, friendliness or good will within the membership of the local church, or be inconsistent with the effective and harmonious continuation of church work, or involve the church in public controversy, thereupon the majority group shall have the right without sacrifice or loss of any title, interest or matured equity or rights in property, funds or benefits, to set up a local church or unit independent of the authority of the parent church; the local church or unit so set up shall be in corporate form as may be provided for under the laws of Alabama for the formation of church or non-profit charity corporations.

Section 5. Upon resolution or written declaration by the majority group, and upon giving thirty days' notice to the parent church and upon giving like notice to the congregation or membership or the official governing body of the local church, said corporation so formed by the majority group shall be authorized to institute a suit in equity on behalf of itself and the majority group, at the cost of the complainant if none of the respondents contest the suit (otherwise the costs to be taxed within the discretion of the Court as now provided by law), in the Circuit Court in and for the Circuit in which the local church is located, for a judicial finding and declaratory action as provided herein. Such proceeding or suit shall state the facts as to the basis for relief from miscarriage of basic intent and understanding, as provided in this Act, and any other factors or equities entitling the complainant to the relief sought.

Section 6. Service of process in said suit or proceeding may be had on the local church by service on its administrative authority (one or more senior or representative members of stewards, wardens, deacons or other similar lay authority of the church) and by service on the parent church by serving any representative official, minister or employee thereof, and by service on the trustee or person or corporation in which the record title to the church property sought to be affected by the proceeding is held or vested, and by service on any other respondent having a justiciable interest in the relief sought; service by publication or otherwise as may at the time be provided for under Alabama law may be had on non-resident, and subject to equity rules as to class suits and other methods of service of process.

Section 7. If on final hearing the court shall find that the organization of complainant corporation, subject to such further or

amended conditions or provisions as the court may require or approve, is equitable and appropriate for administration as a religious or charitable trust, and that the withdrawal of the church property from subjection to the action complained of is equitable and appropriate under the cypres doctrine or otherwise, the Court shall enter decree accordingly, declaring the status, rights and equities involved, and, on final compliance, shall decree its approval for the record as well as grant any other relief appropriate in the premises.

Section 8. The complainant in said suit may aver as a separate aspect or equity that the parent church has made or sanctioned material changes in the laws, discipline, social creed or jurisdictional system with respect to social standards, practices or policies, which changes are opposed to the views, beliefs or way of life of the majority group, and which changes are substantially and materially different from the status of the laws, discipline, social creed or jurisdictional system of the parent church with respect to its social standards, practices or policies existing at the time the local church became affiliated or merged with the parent church, and may further aver that such changes, insofar as they negate or depart from said basic intent and understanding of the majority group, are constructively fraudulent, collusive or arbitrary, as those terms are defined or referred to in the law; and upon proof of such averments the complainant shall be entitled to the relief provided by this Act.

Section 9. The bill of complaint in any suit authorized by this Act shall state whether or not the local church obtained from the parent church or any of its affiliated organizations a loan or grant of funds with which to defray in whole or in part the cost of constructing or acquiring any of the buildings or real estate included in the church property sought to be withdrawn, and if such loan or grant was obtained within twenty years prior to filing the bill, then it shall aver the amount thereof and the date such loan or grant was obtained and whether, if it be a loan, it is secured by a lien instrument. If the court grants the right to withdraw as prayed for in the bill and further grants a confirmation of title to property in the local church, free of the trust clause as herein defined, it shall determine the amount of such unsecured loan or grant and that the same was made within twenty years of the filing of the bill, if that be true, and shall decree that such loan (if unsecured) or grant shall be repaid without interest to the date of the decree, within a reasonable time to be fixed by the court, as a condition to granting the relief sought, and shall fix a lien on the church property of the local church to secure the repayment of said unsecured loan or grant.

Section 10. Nothing in this Act shall be construed to affect the validity of any existing lien or mortgage on the church property or part thereof.

Section 11. If any material provision of this Act should be judicially held to be unconstitutional or otherwise invalid, the remaining provisions hereof shall be treated and observed as valid and binding.

Section 12. All laws and parts of laws in conflict with any of the provisions of this Act shall be and the same are hereby repealed.

Approved August 14, 1959.

Time: 10:25 A. M.

Act No. 80

S. 28—Leonard

AN ACT

Abolishing the fine and forfeiture fund of Talladega County providing for the payment of charges against the fine and forfeiture fund from the general fund and further regulating the payment of witness fees in criminal cases.

Be It Enacted by the Legislature of Alabama:

Section 1. The fine and forfeiture fund of Talladega County is hereby abolished.

Section 2. It shall be the duty of the custodian of the fine and forfeiture fund of said county to transfer all monies on hand in such fund on the effective date of this act to the county general fund. Thereafter all monies which would be payable to the fine and forfeiture fund shall be paid into the general fund.

Section 3. After the effective date of this act all witness fees collected by the clerk of the circuit court and/or clerks of the statutory inferior courts of said county as part of the costs in the criminal prosecutions for state witnesses shall be paid into the general fund of the county.

Section 4. All claims unpaid and outstanding, registered and/or unregistered and all claims hereafter payable from the said fine and forfeiture fund must be presented for payment under the limitations set out under the provisions of Title 12, Section 118 of the Code of Alabama of 1940.

Section 5. After the effective date of this Act, when any person subpoenaed as a witness before the grand jury of the county procures a certificate of his attendance signed by the foreman of the jury, the certificate shall be paid out of the general fund on its presentation by the lawful holder thereof.

Section 6. When any person appears as a witness for the state in any criminal case in any of the above named courts and procures a certificate of his attendance signed by the clerk of the court the certificate shall be paid out of the general fund upon

presentation thereof and in the same manner as jurors' certificates are paid.

Section 7. Find and forfeiture claims presently required to be certified and collected from said fund and paid into the general fund by the clerks of the aforementioned courts and the sheriff will not be further required.

Section 8. All laws and parts of laws in conflict with this Act are repealed.

Section 9. The provisions of this Act are declared to be severable. If any part is declared invalid in any application, such declaration shall not affect other parts or applications.

Section 10. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:26 A. M.

Act No. 81

S. 30—Eddins

AN ACT

To provide for the relief of F. J. Singleton by Marengo County.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Marengo County is hereby authorized and directed to pay to F. J. Singleton of Putman, Alabama, the sum of three hundred sixty-two dollars and fifty-six cents (\$362.56) from any funds of Marengo County not otherwise appropriated to compensate the said F. J. Singleton for damages to a motor vehicle owned by him, resulting from such vehicle falling through a defective bridge which Marengo County was under a duty to maintain in good repair.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:27 A. M.

Act No. 82

H. 21—Copeland

AN ACT

To amend further Section 752 of Title 51, Code of Alabama 1940, which relates to the state sales tax, so as to redefine certain terms.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 752, as amended, is amended further to read as follows:

"Section 752. Definitions.—(1) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"(a) The term 'person' or the term 'company' herein used interchangeably, includes any individual, firm, co-partnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(b) The term 'department' means the department of revenue of the state of Alabama.

"(c) The term 'commissioner' means the commissioner of revenue of the state of Alabama.

"(d) The term 'tax year' or 'taxable Year' means the calendar year.

"(e) The term 'sale' or 'sales' includes installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

"(f) The term 'gross proceeds of sales' means the value proceeding or accruing from the sale of tangible personal property (and including the proceeds from the sale of any property handled on consignment by the taxpayer), including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses; provided that cash discounts allowed and taken on sales shall not be included, and 'gross proceeds of sales' shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term 'gross proceeds of sale' shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or

consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

“(g) The word ‘taxpayer’ means any person liable for taxes hereunder.

“(h) The term ‘gross receipts’ means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in (Not including, however, interest, discounts, rentals of real estate or royalties) and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses. Said term ‘gross receipts’ shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

“(i) The term ‘wholesale sale’ or ‘sale at wholesale’ means a sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale. The term ‘wholesale sale’ shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures or compounds for sale, and the furnished container and label thereof. The term ‘wholesale sale’ or ‘sale at wholesale’ shall also include a sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons. Moreover, such terms include a sale to a manufacturer or compounder, of crowns, caps, and tops intended for

one time use employed and used upon the containers in which he markets his products; but such terms do not include a sale of re-usable containers which in the usual and ordinary course and manner of doing business are repurchased or otherwise recovered for re-use.

“(j) The term ‘sale at retail’ or ‘retail sale’ shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold, are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term ‘sale at retail’ or ‘retail sale’ shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

“(k) The word ‘business’ as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

“(1) The term ‘automotive vehicle’ shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

“(2) The use within this state of tangible personal property by the manufacturer thereof, as building materials, in the performance of a construction contract, shall, for the purposes of this article be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon

the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this article.

“(3) It is hereby declared to be the legislative intent not to affect by the provisions of this section the exemptions specifically provided for by sections 755 and 789, as amended, of Title 51, Code of Alabama 1940.

“(4) A sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama has registered with the department of revenue and has received therefrom a certificate of such registration or, if a nonresident of this state purchasing lumber for resale outside of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before the thirty-first day of January of each succeeding year; provided, however, that if not renewed the certificate shall become invalid for the purpose of this chapter on the first day of February.”

Section 2. This Act shall take effect October 1, 1959.

Approved August 14, 1959.

Time: 10:38 A. M.

Act No. 83

H. 22—Copeland

AN ACT

To amend further Section 787 of Title 51, Code of Alabama 1940, which relates to the state use tax, so as to redefine the term “wholesale sale.”

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 787, as amended, is amended further to read as follows:

“Section 787. Definitions.—The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context indicates a different meaning:

“(a) The term ‘person’ or the term ‘company’ herein used interchangeably, includes any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

“(b) The term ‘department’ means the department of revenue of the state of Alabama.

“(c) The term ‘commissioner’ means the commissioner of revenue of the state of Alabama.

“(d) The term ‘wholesale sale’ or ‘sale at wholesale’ means a sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale. The term ‘wholesale sale’ shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures or compounds for sale, and the furnished container and label thereof. The terms ‘wholesale sale’ or ‘sale at wholesale’ shall also include a sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons. Moreover, such terms include a sale to a manufacturer or compounder, of crowns, caps, and tops intended for one-time use employed and used upon the containers in which he markets his products; but such terms do not include a sale of re-usable containers which in the usual and ordinary course and manner of doing business are repurchased or otherwise recovered for re-use.

“(e) The term ‘sale at retail’ or ‘retail sale’ shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or land-owners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales.

“(f) The word ‘business’ as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect,

and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

“(g) The term ‘storage’ means and includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

“(h) The term ‘use’ means and includes the exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

“(i) The term ‘purchase’ means acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession, or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by whatsoever means the same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

“(j) The term ‘sales price’ means the total amount for which tangible personal property is sold, including any services (including transportation) that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

“(k) The term ‘in this state’ or ‘in the state’ means within the exterior limits of the state of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

“(l) The term ‘automotive vehicle’ shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.”

Section 2. This Act shall take effect October 1, 1959.

Approved August 14, 1959.

Time: 10:39 A. M.

AN ACT

To apply in Crenshaw County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets or nets including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person duly licensed as provided in this Act may take, capture, and kill catfish from the public streams and impounded waters of Crenshaw County for his domestic use or consumption by the use of baskets or nets, including wire mesh baskets having a mesh of one inch or more; provided, that no person shall be licensed to fish with more than four such baskets or nets.

Section 2. Any person desiring a license to fish for catfish with baskets or nets, including wire mesh baskets, may apply to the probate judge of Crenshaw County, and shall pay a privilege license tax of one dollar for each basket he proposes to fish, not exceeding four altogether. The probate judge shall issue such licenses on forms provided by the county governing body, and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a calendar year basis, and all licenses issued in any year shall expire on December 31 of each year.

Section 3. All revenues derived from the sale of licenses as provided in this Act shall be used by the county under the direction of the State Department of Conservation solely for stocking the streams and impounded waters in the county with game fish, or for the feeding and cultivation of game fish; provided, the probate judge may retain five per cent of all revenues collected for issuing such licenses and collecting such taxes.

Section 4. It shall be unlawful for any licensee to sell or offer to sell fish taken, captured, or killed in a basket or net, including wire mesh baskets. Any person who violates this section shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law; in addition to such punishment, the court trying the case shall revoke the license of such person.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The substantial provisions of this Act shall become effective only if approved by a majority of the qualified electors

of Crenshaw County voting in a referendum to be held for that purpose. The referendum shall be held on the same day as the first countywide primary, general, or special election held in the county after the date of this enactment. The court of county commissioners, board of revenue or like governing body of Crenshaw County shall order and provide for holding the referendum on such date. On the ballots to be used in the referendum the question shall be stated substantially as follows: "Shall the provisions of Act No., of the 1959 Regular Session of the Legislature, which authorizes the taking of catfish by the use of baskets on which a privilege license tax has been paid, be adopted? Yes () No ()." If a majority of the votes cast in the referendum are "Yes," all the provisions of this Act shall become effective immediately. If the majority are "No," this Act shall have no further force or effect. The judge of probate shall certify the results of the referendum to the Secretary of State within 30 days after the determination thereof.

Approved August 14, 1959.

Time: 10:40 A. M.

Act No. 85

H. 63—Owens

AN ACT

Relating to Crenshaw County; authorizing and directing the county health officer to furnish the board of registrars of the county periodic lists showing the names of all persons over the age of twenty-one years who have died within the county or for whom burial permits have been issued within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county health officer of Crenshaw County is hereby authorized and directed, in addition to all other duties now required of this officer by law, to furnish the board of registrars of Crenshaw County, once every six months, a list showing the name of every person over twenty-one years of age who has died within the county, or for whom a burial permit has been issued within the county, during the preceding six months.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:41 A. M.

Act No. 86

H. 90—Murphy, Hocklander

AN ACT

To amend further Section 724 of Title 7, Code of Alabama 1940, relating to weekly newspapers taken and kept by certain public officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 724 of Title 7, Code of Alabama 1940, as amended by an act approved September 9, 1953, is amended further to read as follows:

"Section 724. The clerks of the several circuit courts, the registers, and judges of the several courts of probate, must subscribe for and take, and file in their respective offices, one copy of each weekly newspaper published in their respective counties, and as soon as practicable, after the end of each year, shall cause the number of such papers for the preceding year to be well bound, and shall keep the same safely in their respective offices, as the property of their respective counties; and the court of county commissioners must allow to such officers the sums paid by them for such subscription and binding. The duties hereinabove imposed on clerks of the circuit court and registers shall not apply to clerks of the circuit courts and registers in counties having a population of 200,000 or more, according to the last or any future federal decennial census, nor shall such duties be applicable to or be required of the probate judge of any county having a population of not less than 135,000 nor more than 400,000 inhabitants, according to the last or any subsequent decennial census of the United States. The clerk and the register of the circuit court in all counties having a population of not less than 200,000 nor more than 400,000, according to the last or any subsequent federal decennial census, may, in his discretion, discard all newspapers whose date of issue is more than six months past."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:28 A. M.

Act No. 87

H. 100—Jones (Covington)

AN ACT

To alter, rearrange, reduce and fix the boundaries and limits of the City of Andalusia in the State of Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Andalusia in Covington County, Alabama, be and the same are hereby so altered, rearranged, reduced and fixed as to delete from the corporate limits of said City the NW $\frac{1}{4}$, the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 5, in Township 4 North, Range 16 East, in Covington County, Alabama.

SECTION 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 14, 1959.
Time: 10:28 A. M.

Act No. 88

H. 119—Taylor, Glass

AN ACT

To provide compensation for the register of the circuit court of Butler County, to be paid from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The register of the circuit court of Butler County shall receive an annual salary of two thousand four hundred dollars, to be paid in equal monthly installments from the general fund of the county, in the same manner as the salary of the chief deputy sheriff is paid. The salary herein provided for shall be the entire compensation of the register for the performance of his duties; and all commissions, fees, percentages, and allowances collectible by the register for services rendered pursuant to general laws shall be paid into the general fund of the county.

Section 2. This Act shall become effective on the first day of the month next succeeding the month during which there is adopted an amendment to the Constitution relative to the authority of the Legislature to regulate the compensation of the register of the circuit court of Butler County. If such an amendment is not adopted, this Act shall have no force or effect.

Approved August 14, 1959.
Time: 10:29 A. M.

Act No. 89

H. 120—Glass, Taylor

AN ACT

To amend Section Two of an Act entitled, "An Act to authorize and empower the Sheriff of Butler County, Alabama, to appoint an additional deputy; to authorize the Court of County Commissioners to fix the salary of said deputy; and to provide the method of pay of said deputy," said Act being Act 107 approved by the Governor June 30, 1955.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section Two of an Act entitled, "An Act to authorize and empower the Sheriff of Butler County to appoint

an additional deputy; to authorize the Court of County Commissioners to fix the salary of said deputy and to provide the method of pay of said deputy," said Act being Act 107 approved by the Governor June 30, 1955 (Acts of 1955, page 353) be amended so as to read as follows:

"Section 2. Said deputy so appointed shall be paid a salary to be fixed by the Court of County Commissioners of Butler County, Alabama, not to exceed \$250.00 per month."

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect immediately, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:30 A. M.

Act No. 90

H. 121—Jones (Covington)

AN ACT

To repeal the act approved July 16, 1953, entitled "An Act to provide that any regular Circuit Judge of Covington County, or any other Circuit Judge with like authority serving said county, may appoint a Bailiff to serve the Circuit Court of Covington County during jury sessions; to prescribe the maximum pay for said service and to designate the fund out of which said per diem shall be paid; and to provide for the effective date hereof," (Act No. 200, H. 538, Acts of Alabama, Regular Session 1953, Vol. I, pp. 265, 266).

Be It Enacted by the Legislature of Alabama:

Section 1. The act approved July 16, 1953, entitled "An Act to provide that any regular Circuit Judge of Covington County, or any other Circuit Judge with like authority serving said county, may appoint a Bailiff to serve the Circuit Court of Covington County during jury sessions; to prescribe the maximum pay for said service and to designate the fund out of which said per diem shall be paid; and to provide for the effective date hereof," (Act No. 200, H. 538, Acts of Alabama, Regular Session 1953, Vol. I, pp. 265, 266) is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:31 A. M.

Act No. 91

H. 128—Sessions, Hawkins, Rast, Morrow,
Edwards, Locke, Perry**AN ACT**

To further amend Section 2 of Act No. 634, approved September 4, 1951, Acts of Alabama of 1951, Regular Session, Page 1089, entitled "An act to prescribe certain duties and functions of county planning commissions and boards of zoning adjustment and the governing bodies in all counties having a population of 400,000 or more according to the 1940 or any succeeding Federal Census and to further define the authority, powers and functions of such boards and to authorize the governing body of such counties to enforce its rules, resolutions, regulations and ordinances and to provide remedies for the enforcement of its rules, resolutions, regulations and ordinances made by the governing bodies and to appoint a County Building Commissioner and to prescribe his authority and duties of such counties and provide penalties for the violation of such rules, resolutions, regulations and ordinances", as previously amended by Act No. 297 of the Regular Session of the Legislature of 1955 which became effective on August 29, 1955 without approval of the Governor, Acts of Alabama 1955, Regular Session, Volume 1, Pages 692-693.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act 634, approved September 4, 1951, Acts of Alabama of 1950, Regular Session, Page 1089, entitled "An act to prescribe certain duties and functions of county planning commissions and boards of zoning adjustment and the governing bodies in all counties having a population of 400,000 or more according to the 1940 or any succeeding Federal Census and to further define the authority, power and functions of such boards, and to authorize the governing body of such counties to enforce its rules, resolutions, regulations and ordinances and to provide remedies for the enforcement of its rules, resolutions, regulations and ordinances made by the governing bodies and to appoint a County Building Commissioner and to prescribe his authority and duties of such counties and to provide penalties for the violation of such rules, resolutions, regulations and ordinances," be and the same hereby is amended to read as follows:

"Section 2. **REMEDIES AND PENALTIES.** It shall be unlawful to erect, construct, reconstruct, alter, maintain, use or occupy any building or structure, or to use or occupy any land in violation of any regulation in, or of any provision of, any zoning resolution, or any amendment thereof, enacted or adopted by the governing body of such county under the authority of this Act. Any person, firm or corporation violating any such regulation, provision or amendment, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00), or imprisoned not more than ten days, or both. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance, use or occupancy continues shall be deemed a separate offense. Provided, however, that prior to any criminal prosecution the County Building Commissioner or his agent shall give a written notice or cita-

tion to the person, firm or corporation violating any provision of this Act, stating the rule or regulation being violated and notifying the said person, firm or corporation to cease and desist such violation immediately, otherwise said person will be prosecuted as provided for herein. In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained, used or occupied or any land is, or is proposed to be, used or occupied in violation of this Act or of any regulation or provision of any resolution, or amendment thereof, enacted or adopted by the governing body of such county under the authority granted by this Act, said Building Commissioner of the county in which such building, structure or land is situated, may, in addition to other remedies provided by law, institute, injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings in the name of the county to prevent, enjoin, abate or remove such unlawful erection, construction, alteration, maintenance, use or occupancy."

Section 2. All laws and parts of laws in conflict herein are hereby repealed.

Section 3. This Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:32 A. M.

Act No. 92

H. 129—Sessions, Hawkins, Rast, Morrow,
Edwards, Locke, Perry

AN ACT

To amend, further, section 173 of title 13 of the 1940 Code of Alabama.

Be It Enacted by the Legislature of Alabama:

That section 173 of title 13 of the 1940 Code of Alabama, as amended, be and it hereby is amended further to read as follows:

"Section 173. Any judge shall, whenever he deems it necessary, call on the chief justice of the supreme court to assign one or more judges to relieve the judges who need assistance in clearing dockets, civil and criminal."

Approved August 14, 1959.

Time: 10:32 A. M.

Act No. 93

H. 130—Locke, Morrow, Hawkins, Edwards,
Sessions, Perry

AN ACT

Relating to the municipality of Kimberly in Jefferson County; To alter, rearrange, and extend the boundaries and corporate limits of the Town of Kimberly.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Kimberly in Jefferson County are hereby altered, rearranged, and extended to include within the corporate limits of the Town of Kimberly the following described territory situated in Jefferson County, Alabama, in addition to that already within the corporate limits, to-wit:

The SW quarter of the NE quarter and the SE quarter of the NW quarter all in Section 2, Township 15, Range 3 West, also part of Section 1 and 2, in Township 15, Range 3 West, more particularly described as follows:

For a point of beginning of the property hereby described, commence at the intersection of the south line of the SW quarter of the NW quarter of said Section 1 with the west line of U. S. Highway No. 31 as located in May of 1950; thence north along the west line of said highway as so located a distance of 100 feet; thence west parallel with the south line of the said SW quarter of the NW quarter of said Section 1 and the SE quarter of the NE quarter of said Section 2 a distance of 800 feet; thence run in a northerly direction 800 feet from and parallel to the west line of said highway to intersection with the north line of said SE quarter of the NE quarter of said Section 2; thence west along said north line to the northwest corner of said quarter quarter section; thence south to the southwest corner of said SE quarter of the NE quarter; thence east along the south line of said SE quarter of the NE quarter of Section 2 and the south line of SW quarter of the NW quarter of said Section 1, to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:33 A. M.

Act No. 94

H. 132—Sessions, Hawkins, Rast, Morrow,
Edwards, Locke, Perry

AN ACT

To amend Section 8 of an act approved August 15, 1947 (General Acts 1947, pages 217-222) entitled, "To empower any counties having a population of 400,000 or more according to the 1940 or any succeeding Federal census to provide for, regulate, and restrict in the unincorporated portions of the county outside of the police jurisdiction of incorporated municipalities the use and construction of buildings, structures and land for trade, industry, and residence; to establish setback lines for buildings and structures along the roads and streets; to prescribe certain duties and functions of county planning commissions; to provide for county

boards of zoning adjustment and define the authority, powers, and functions of such boards, their procedure and appeals from their decisions; and to provide remedies for the enforcement of ordinances, resolutions, and regulations made by such counties under authority of this Act."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 8 of an Act approved August 15, 1947 (General Acts 1947, pages 217-222) entitled, "To empower any counties having a population of 400,000 or more according to the 1940 or any succeeding Federal census to provide for, regulate, and restrict in the unincorporated portions of the county outside of the police jurisdiction of incorporated municipalities the use and construction of buildings, structures and land for trade, industry, and residence; to establish setback lines for buildings and structures along the roads and streets; to prescribe certain duties and functions of county planning commissions; to provide for county boards of zoning adjustment and define the authority, powers, and functions of such boards, their procedure and appeals from their decisions; and to provide remedies for the enforcement of ordinances, resolutions, and regulations made by such counties under authority of this Act." be and the same hereby is amended so as to read as follows:

"Section 8. BOARD OF ADJUSTMENT.—In availing itself of the powers conferred by this Act, the governing body of the county shall provide for the appointment of a board of zoning adjustment and may provide that the said board of adjustment shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution or order in harmony with the general purposes and intent of the ordinance and in accordance with general or specific rules in such resolution or order applicable to special exceptions. The board of adjustment shall consist of five members, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board shall adopt rules in accordance with the provisions of any resolution or order adopted pursuant to this Act. Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board

or bureau of the county affected by any decision of the governing body of the county or its administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney. The board of adjustment shall have the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or of any resolution or order adopted pursuant thereto; (2) to hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such resolution or order; (3) to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the resolution or order will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. In exercising the above mentioned powers such board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may take such order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken. The vote of a majority in number of the members of the board shall determine all issues and matters upon which it is required to pass under any such resolution or order, or to effect any variation in such resolution or order. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of

the decision appealed from and shall be verified."

Section 2. That all laws and parts of laws in conflict with this Act are hereby repealed.

Section 3. If any section or provision hereof is held to be invalid, the other parts of this act shall nevertheless remain in full force and effect.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 14, 1959.

Time: 10:34 A. M.

Act No. 95

H. 50—Edwards, Hawkins, Rast, Morrow,
Sessions, Perry, Locke

AN ACT

To alter, rearrange and extend the boundaries of the city of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 34, Township 18 South, Range 4 West, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Bessemer, in Jefferson County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the following described boundaries; to-wit:

Commence at the Southwest corner of Section 34, Township 18 South, Range 4 West; thence in an Easterly direction along the South line of said Section a distance of 1203.68 feet; thence 56° 50' to the left in a Northeasterly direction a distance of 119.46 feet to the point of beginning; thence 56° 50' to the right in an Easterly direction, parallel to and 100.00 feet North of the South line of said section a distance of 1,430.57 feet; thence 0° 02' to the right a distance of 1,143.66 feet; thence 51° and 18' to the left in a Northeasterly direction a distance of 484.33 feet to a point on the Southwesterly right-of-way line of the Woodward Iron Company Railroad; thence 96° 22' to the left in a Northwesterly direction along the Southwesterly right-of-way line of the Woodward Iron Company Railroad a distance of 1,536.79 feet; thence 89° 12' to the left in a Southwesterly direction a distance of 1,374.34 feet; thence 56° 50' to the right in a Westerly direction a distance of 794.33 feet to a point on the Easterly right-of-way line of the U. S. Highway 11; thence 56° 50' to the left in a Southwesterly direction along said Easterly right-of-way line of U. S. Highway 11 a distance of 59.68 feet to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 17, 1959.

Time: 10:00 A. M.

Act No. 96

H. 104—Broadfoot, Long (Lauderdale)

AN ACT

Relative to cities in the state having a population of not less than 23,500 and not more than 100,000 inhabitants according to the last or any subsequent federal decennial census; providing that any such cities may adopt and become organized under the alternate commission form of government provided for herein by proceeding as herein provided and prescribing the proceedings therefor, including provisions for the ordering, holding, conducting, canvassing and declaring the results of elections with respect thereto; making provisions for the election of a president of the board of commissioners and two associate commissioners; prescribing their terms of office; providing for the oath and bond required of such commissioners; providing for the filing of vacancies; providing for a board of commissioners and its powers and authority; providing for the distribution of the functions of the city into three divisions and for the duties of each commissioner with respect to said divisions; providing that the president of the board of commissioners shall devote his full time to the duties of his office and that each associate commissioner shall devote such time daily as may be necessary to perform the duties of his office; providing for the salary of the president and of each associate commissioner; providing for a president pro tem and his duties; providing that such of the provisions of Article 1, Chapter 4, Title 37 of the Alabama Code of 1940, as amended or as the same is hereafter amended or supplemented, as are not inconsistent with the provisions of the Act, shall apply to and govern the city after it shall become organized under the form of government provided for in the Act; providing for the abandonment of such commission form of government; and providing that any such city may adopt any other form of government now or hereafter provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. Cities to which Act applies. Each city in the state having a population of not less than 23,500 and not more than 100,000 inhabitants according to the last or any subsequent federal decennial census, may adopt and become organized under the alternate commission form of government provided by this Act by proceeding as herein provided.

Section 2. Elections. The city council, board of commissioners or other governing body of any such city may at any time order an election to be held for the purpose of submitting to the qualified voters of such city the question hereinafter referred to. If such an election is so ordered, such governing body shall give notice of the time and purpose of such election and of the salaries to be paid the president and two associate commissioners, to be fixed as hereinafter provided, by publication once a week for

four consecutive weeks in some newspaper published in such city. All qualified voters of said city may participate in such election and the question submitted shall be whether or not the city shall be organized under the commission form of government with a full-time president of its board of commissioners as provided in this Act. The ballots used in such election shall be in substantially the following form: "Shall the City of _____, Alabama, be organized under the commission form of government with a full-time president of its board of commissioners, at an annual salary of _____ dollars for the president and _____ dollars for each associate commissioner, as provided in Act No. _____, enacted by the Legislature of Alabama at the special session which convened June 24, 1959, thereby changing the salary of the president from _____ dollars per annum to _____ dollars per annum and the salary of each associate commissioner from _____ dollars per annum to _____ dollars per annum? Yes _____. No _____." The name of the city and the number of this Act shall be inserted in the aforesaid blank places designated therefor in each ballot used at such election. No other proposition shall be submitted to the voters of said city upon said ballot. The election shall be conducted, the votes canvassed and the results declared in the same manner as is or may be provided by law in respect to other city elections. If a majority of the voters voting at such election do not vote "Yes", the question shall not be resubmitted to the voters of said city within three years thereafter, and then the question may be resubmitted in the manner above provided.

Section 3. Election of Commissioners. If a majority of the votes cast at such election shall be "Yes", the city council, board of commissioners or other governing body of such city shall transmit to the Governor, to the Secretary of State, and to the Probate Judge of the County, each, a certificate stating the question voted on and the results of said election, and such governing body shall forthwith call an election for the election by the qualified voters of said city of a president of its board of commissioners and two associate commissioners, all of whose terms of office shall commence immediately upon their election and qualification and shall continue until the first Monday in October of the fourth year following their election and until their successors are elected and qualified. At least sixty days notice of the initial election so called shall be given by publication once a week for four consecutive weeks in advance of the same, in a newspaper published in the city, and the election shall be conducted, the votes canvassed and the results declared in the same manner as is or may be provided by law in respect to other city elections. An election shall be held on the third Monday in September of each fourth year thereafter for the purpose of electing said president and said two associate commissioners, all of whose terms of office shall be for a term of four years from the first Monday of

October of said year and until their successors are elected and qualified.

Section 4. Candidate to designate office sought; majority of votes necessary to election; holding new election. In all such elections, each office shall be designated, the associate commissioners being designated as Associate Commissioner No. 1 and No. 2, respectively, and these designations shall be shown on the ballot prepared for such election. Any person desiring to become a candidate must file in the office of the City Clerk, at least 20 days before the date set for the election, a statement in which he shall designate the office for which he desires election and which shall otherwise be in the form prescribed in Section 63 of Title 37 of the Alabama Code. At every election, each voter shall vote for only one candidate for each office and the candidate receiving the highest number of votes for such office shall be elected, provided he receives a majority of all votes cast for such office. In case no one of such candidates shall receive a majority of such votes for the office for which he is a candidate, another election shall be held on the same day of the second week thereafter following for said office at which the two candidates receiving the highest number of votes at the initial election for said office shall be voted for. The candidate receiving the highest number of votes at such final election shall be declared elected.

Section 5. Oath and bond required of commissioners. Every person who shall be elected to the office of commissioner shall, on or before the first Monday of the month succeeding his election, qualify by taking oath that he is eligible for the office for which he is elected and will execute the duties of the same according to his best knowledge and ability. Said oath shall be administered by the retiring mayor or other chief executive officer of the city or by a notary public or by a member of the board of commissioners. Every person so elected shall also give bond in the sum of \$5,000, payable to the city conditioned upon the faithful performance of the duties of the office to which he is elected, which bond shall be approved by the judge of probate of the county in which said city is located and recorded in his office, for which the judge of probate shall receive \$1, to be paid by such commissioner.

Section 6. Board of Commissioners. The commissioners provided for in this Act shall be known collectively as the Board of Commissioners of the City of (name of city to be inserted). The commissioners first elected shall qualify for office in the manner prescribed in Section 5 of this Act, on or before the second Monday following the date of their respective elections. As soon as all commissioners have so qualified for office in any city, then such city shall at that time and thereafter be and become organized under the commission form of government provided for in this Act and governed by the provisions of this Act, and all three

of said commissioners shall forthwith enter upon their duties.

Section 7. Power and authority of the board of commissioners. The board of commissioners provided for in this Act shall have, possess and exercise all the powers and authority, legislative, executive and judicial, possessed and exercised by boards of commissioners of municipalities organized under the commission form of government provided for in Article 1, Chapter 4, Title 37 of the Alabama Code of 1940, as amended or as the same may hereafter be amended. Any city organized under the commission form of government provided for in this Act shall continue its existence as a body corporate, without change of name, and shall continue to be subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation, and shall continue to enjoy all the rights, immunities, powers and franchises then enjoyed by it, as well as those that may hereafter be granted to it. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization shall remain in force until altered or repealed according to the provisions of this Act. The territorial limits of such city shall remain the same as under its former organization, except that all divisions into wards of such city as adopts this Act shall be discontinued and all commissioners shall be elected at large. All rights, powers and property of every description which were vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or liability, either in favor of or against it, and no suit or prosecution of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this Act. All employees of said city and all officers, except the members of its former governing body, shall continue in office until otherwise provided for by the board of commissioners provided for hereunder.

Section 8. Allocation of functions; duties of each member of the board of commissioners. The functions of each such city shall be distributed into and among three divisions, as follows: Division of General Administration and Finance; Division of Public Works; and Division of Public Safety. The president of the board of commissioners shall be the chief executive officer of the city and shall be charged with the general supervision and direction of its affairs and shall have direct supervision over the Division of General Administration and Finance. The Division of General Administration and Finance shall include those functions of the city having to do with the collection of taxes, licenses and improvement assessments; the expenditures of the city, including the purchase of equipment and supplies; accounts and accounting; the budget and appropriations; the administration of the legal affairs of the city; the management of its sinking funds; and the management of parks, public buildings, public lands,

cemeteries and utilities other than sewers and drainage systems. Associate Commissioner No. 1 shall have direct supervision over the Division of Public Works. The Division of Public Works shall include those functions of the city having to do with public improvements in said city, including the construction, improvement and maintenance of streets, sidewalks, sewers, drainage systems and sanitation. Associate Commissioner No. 2 shall have direct supervision over the Division of Public Safety. The Division of Public Safety shall include the fire and police departments. Any function of the city not herein specifically assigned to one of the above divisions shall be under the direct supervision of the board of commissioners as a whole; provided, however, any such function may be assigned and delegated to a division, and reassigned, at any time by a unanimous vote of all members of the board of commissioners. Each commissioner, as the head of his division, shall be limited to the execution and enforcement of the laws and ordinances of such city pertaining to his division and the administration thereof, except the legislative powers which said commissioner, as a member of the board of commissioners, shall have and may exercise at the regular or special meetings of said board sitting as a legislative body. No funds shall be paid out of the city treasury for any purpose except by order, resolution or ordinance duly adopted by said board of commissioners.

Section 9. Full-time president; additional duties. The president of the board of commissioners shall devote his full time to the duties of his office, and each associate commissioner shall devote such time daily as may be necessary to perform the duties of his office. The president of the board of commissioners shall maintain an office at the City Hall and be present thereat during reasonable hours when not otherwise absent therefrom on other duties of the city. In addition to the other duties and powers given him by the provisions of this Act, the president of the board of commissioners shall be invested with all the powers, jurisdictions and functions possessed by a mayor or other chief executive officer of a municipality and he shall be required to perform all duties performed by a mayor or other chief executive officer except the power to veto an ordinance.

Section 10. Compensation of president and associate commissioners. For the performance by him of the duties imposed by this Act, including any additional duties that may be assigned to him hereunder, the president of the board of commissioners shall receive a salary of not less than \$6,000 and not more than \$12,000 per annum, and each associate commissioner shall receive a salary of not less than \$1,800 and not more than \$4,200 per annum. All such salaries shall be paid monthly and at the monthly rate for every fraction of a year for which any such officer may serve. The salary of the president of the board of commissioners and of each associate commissioner shall be fixed, within the respective

amounts hereinabove specified, by the existing governing body of the city at the time it orders the election provided for in Section 2 of this Act and said salaries so fixed, together with their present salaries, shall be set forth in the notice of election to be given as provided in said Section 2, and on the ballots used at the election.

Section 11. Vacancies in office of commissioners. Whenever any vacancy or vacancies shall occur in the office of president of the Board of commissioners or associate commissioner by death, resignation, removal or other cause, the remaining members of the board of commissioners shall forthwith call a special election to fill such vacancy or vacancies, such election to be held not less than 20 nor more than 30 days after the occurrence of such vacancy or vacancies. Notice of such election shall be given by one publication, at least 18 days in advance of the same, in a newspaper published in the city. The methods, procedures and requirements for qualifying, voting upon and determining the successful candidate or candidates shall be the same as is herein provided relative to the election of the president and associate commissioners in quadrennial elections, except that the statements of candidacy must be filed at least 15 days before the date set for such election. Successors chosen at any such election shall qualify for office as soon as practicable thereafter, and shall assume the duties, responsibilities and powers of such office immediately upon such qualification, and shall hold office for the unexpired term of their predecessor.

Section 12. President pro tem. The board of commissioners shall designate by a majority vote one of their number as president pro tem, who shall have all the authority and discharge all duties of the president of the board of commissioners during the absence of the president on account of illness or any other cause. The president pro tem shall serve without compensation other than his compensation as an associate commissioner.

Section 13. Applicability of Article 1, Chapter 4, Title 37, Alabama Code. Such of the provisions of Article 1, Chapter 4, Title 37 of the Alabama Code of 1940, as amended, and as the same may hereafter be amended or supplemented, as are not inconsistent with the provisions of this Act shall apply to and govern the city after it shall become organized under the form of government provided by this Act.

Section 14. Other forms of government available; abandonment of commission form. Nothing contained in this Act shall be construed to prevent any city to which this Act applies, including any city which has adopted and become organized under the commission form of government provided for herein, from adopting any other form of government now or hereafter provided by law, including the commission form of government provided for in

Article 1, Chapter 4, Title 37 of the Alabama Code of 1940, as now or hereafter amended. Any city which has adopted and become organized under the commission form of government provided for herein may also abandon such commission form of government and become organized under the general municipal laws of Alabama, free from and independent of any of the terms or provisions of the commission form of government provided for herein, by proceeding as provided in Article 3, Chapter 4, Title 37 of the Alabama Code of 1940.

Section 15. Severability. The provisions of this Act are severable. In the event any section, clause or provision hereof shall be held invalid or unenforceable, such holding shall not invalidate or render unenforceable any other section, clause or provision hereof.

Section 16. Repeal of conflicting laws. All laws or parts of laws in conflict herewith are hereby repealed.

Section 17. Effective date. This Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 17, 1959.

Time: 10:05 A. M.

Act No. 97

H. 134—Edwards, Sessions, Locke, Morrow,
Perry, Hawkins, Rast

AN ACT

To authorize the City of Birmingham to quitclaim and convey its easement, and that of the public, to use for park purposes certain real property dedicated for such purposes only by designation as "Park" in a survey filed in the Probate Office of Jefferson County, Alabama, which has never been devoted to park use.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Birmingham is hereby authorized and empowered to quitclaim and convey with or without remuneration to the owner and occupant thereof, or his successor in title, all the right, title, claim and interest of the City of Birmingham, and of its citizens and of the general public in and to that certain lot and parcel of land designated "Park" in the survey of Howard College Estates, as recorded in Map Book 17, pages 82 and 83, in the Office of the Judge of Probate of Jefferson County, Alabama. The City of Birmingham by and through its Commissioners is fully empowered and authorized to execute and deliver, upon such terms and conditions as is deemed appropriate, any and all instruments and documents necessary and proper to revoke the dedication to public purposes of the lot designated in said survey as "Park" and to divest the City of Birmingham and all members

of the public of all rights, easements, appurtenances and hereditaments in and to said lot.

Section 2. That this Act shall become effective immediately upon its approval by the Governor.

Approved August 17, 1959.

Time: 10:10 A. M.

Act No. 98

S. 3—Crawford, Samford, Berryman, Wyatt, Farmer, Turner, Rutledge, Webb, Cooper, Word, Archer, Hines, Robinson, Givhan, Eddins, Moses, Leonard, Porter, and Barnett

AN ACT

To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama and that authorizes the State to engage in works of internal improvement by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the State, and to incur indebtedness and issue bonds for said purpose; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding \$3,500,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding \$3,500,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment of any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide the use of funds obtained pursuant to the provisions of this Act; to provide for the acquisition of property for the purposes of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; and to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to the provisions of this Act or Act No. 311 adopted at the 1957 Regular Session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The words and phrases hereinafter set forth, wherever used in this Act, shall have the respective meanings hereinafter ascribed to them. "1957 Docks Amend-

ment" means that certain amendment to the Constitution of Alabama that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama. "The State" means the State of Alabama. "The Department" means the Alabama State Docks Department created by Act No. 103 adopted at the 1955 Regular Session of said Legislature and any department or agency of the State that may succeed to its duties. "Dock facilities" means docks and all kind of dock facilities, including elevators, warehouses, water and rail terminals, wharves, piles, quays, compresses, and other related structures, facilities and improvements that may be needed for the convenient use of the same. "1957 Docks Act" means Act No. 311 adopted at the 1957 Regular Session of said Legislature. "The bonds" means those issued hereunder. "Unit of development" means any one or more dock facilities acquired pursuant to the provisions of either this Act or the 1957 Docks Act which may be designated by the Department as a unit of development for the purposes of this Act; provided, that several dock facilities may be together designated as one unit of development only if they are contiguous to each other or closely related for purposes of use and operation. The definitions herein set forth include both the singular and the plural.

Section 2. Authorization of Dock Facilities at Additional Cost of \$3,500,000. In addition to the authority granted to the State by the provisions of any other law, the State is hereby expressly authorized and empowered, at an additional cost to the State of not exceeding \$3,500,000, to engage in works of internal improvement by promoting, developing, constructing, maintaining and operating along navigable rivers, streams or waterways now or hereafter existing within the State, all manner of dock facilities, in aid of commerce and use of the waterways of this State, all pursuant to the provisions of the 1957 Docks Amendment. All such works, improvements and facilities shall always be and remain under the management and control of the Department. The Department shall be the agency of the State by which the State shall accomplish the acquisition, construction, maintenance and operation of dock facilities hereunder and shall, in general, accomplish the purposes of this Act.

Section 3. Cost to the State. The authorization herein granted to the State of engaging in the aforesaid works of internal improvement at a cost of not exceeding \$3,500,000 is in addition to the authorization in the amount of \$3,000,000 granted by the 1957 Docks Act, thus bringing to the aggregate sum of \$6,500,000 the total authorization presently and heretofore granted by the Legislature pursuant to the provisions of the 1957 Docks Amendment. The use of revenues derived from operation of dock facilities shall not be deemed the incurring of cost by the State within the meaning of this section.

Section 4. Exercise of Powers Hereunder. The State, acting through the Department, shall, in engaging in the works of internal improvement authorized by this Act, have the power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, control and operate along navigable rivers, streams or waterways now or hereafter existing within the State, and at river ports or landings along such navigable rivers, streams or waterways, dock facilities of all kinds, in aid of commerce and use of navigable waterways of the State, to the fullest extent practicable and to such extent as the Department shall deem desirable or proper. The authority herein granted shall include the completion of any dock facilities originally acquired under the provisions of the 1957 Docks Act, and also the dredging of approaches to any dock facilities acquired, erected, maintained or operated pursuant to this Act or the 1957 Docks Act. Before the Department shall exercise the authority vested in it hereby with respect to any dock facilities or any dredging of the approaches thereto, the Department shall first submit plans, including estimates of cost, prepared by competent engineers or architects, and a survey made by competent independent and professional engineers showing the economic feasibility of the proposal envisaged by such plans, to the Governor for his approval or disapproval; and in the event of the Governor's disapproval, the plans shall either be abandoned or be revised and again submitted to the Governor for his approval or disapproval. Prior to the commencement of any construction, dredging, or other work hereunder for which a permit from, or the consent of, any United States authorities may be required by law, the Department shall obtain the requisite permit or consent.

Section 5. Authority Herein Granted is in Addition to Existing Authority of State Docks Department. All administration, supervision, authority and responsibility under this Act and operations conducted hereunder, vested in the Department, shall be in addition to all power, duties and authority conferred on the Department by any other statute, it being the intent of this Act that the authority, powers, responsibilities and duties imposed by this Act shall be in addition to and supplemental of the powers, authority, responsibilities and duties conferred or imposed on the Department by any other laws of the State.

Section 6. Acquisition of Property. In acquiring rights of way and property necessary for the construction of dock facilities and convenient approaches thereto in furtherance of the purposes of this Act, the Department shall have the power to acquire same by gift, lease, purchase, negotiation or condemnation. The Department shall have all powers with respect to the condemnation of properties for the purposes of this Act that were granted to that department in the 1957 Docks Act with respect to the condemnation of properties for the purposes of the 1957 Docks Act; and the exercise of such powers hereunder shall be subject

to all limitations and conditions prescribed in the 1957 Docks Act.

Section 7. Current Indebtedness Hereunder. In any operations conducted under this Act, the Department may contract such current indebtedness as is necessarily incident to the progress of the work in accordance with the terms of this Act.

Section 8. The Bonds. In order to provide funds for the purposes of this Act, there are hereby authorized to be sold and issued bonds of the State not exceeding \$3,500,000 in aggregate principal amount, under and subject to the provisions hereinafter set forth. The bonds shall be designated as Inland Waterways Improvement Bonds of the State. The bonds shall be general obligations of the State, for payment of the principal of and interest on which the full faith and credit of the State are hereby irrevocably pledged. The bonds may be issued from time to time in one or more series, shall bear an appropriate series designation, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as shall be set forth in an order or resolution of the Department; provided, that the first installment of principal of the bonds of each series must mature not later than ten years from the date of such series and the last installment of principal of the bonds of any series must mature not later than thirty years from such date; and provided, further, that any of the bonds having a stated maturity more than five years after its date shall be made subject to redemption at the option of the State at the end of the fifth year after the date of such bond and on any interest payment date thereafter under such terms and conditions as may be provided in the order or resolution whereunder such bond is authorized to be issued. The bonds shall be signed in the name of the State by either the facsimile or manually subscribed signatures of the Governor or the Director of the Department, and the Great Seal of the State, or a facsimile thereof, shall be affixed thereto or engraved, lithographed, or imprinted thereon and attested by either the facsimile or manually subscribed signature of the Secretary of State; provided, that the signature on the bonds of any one of the said officials shall be subscribed manually thereon. The bonds may be in either bearer or registered form, either as to principal or interest or both. Interest on the bonds shall be payable semiannually, interest on coupon bonds being evidenced by interest coupons attached thereto, each of which coupons shall be authenticated by the facsimile signature of the State Treasurer imprinted thereon. Bonds issued in coupon form may be exchanged for fully registered bonds or bonds registered as to principal only. Coupon bonds and registered bonds shall be interchangeable; and upon issuance of a coupon bond for a registered bond, all matured and

unearned coupons on said bond shall be by the State Treasurer first clipped from said bond and then cancelled. Regulations for the registration of bonds and for interchange of registered and coupon bonds shall be set forth in the order or resolution authorizing the issuance of such bonds. The State Treasurer shall maintain a record of all of the bonds issued hereunder, and shall maintain a separate record of all of the bonds that are registered, including a record of the names and addresses of the registered holders thereof. No order or resolution providing for the authorization or sale of any of the bonds shall become effective until approved by the Governor. The action of the Department in adopting an order or resolution authorizing the sale of any of the bonds, and the action of the Governor in approving such order or resolution, shall be conclusive evidence that the funds to be derived from the bonds so authorized to be sold are actually needed at the time for the purposes for which bonds are herein authorized to be issued and that the proceeds of such bonds are intended only for such purposes.

Section 9. Sale of the Bonds. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the State for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the Department and the Governor is received all bids may be rejected. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than six days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The Department may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act.

Section 10. Proceeds from the Sale of the Bonds. The proceeds from the sale of any of the bonds shall be paid into the State Treasury and kept by the State Treasurer in a separate account and paid over to the Secretary-Treasurer of the Department from time to time in such amounts as shall be directed by the Governor and the money so paid over to the Secretary-Treasurer of the Department shall be held and used only for the accomplishment of the purposes of this Act, and specifically for payment of the cost of acquiring, by construction or otherwise, maintaining and operating, or any of them, dock facilities along navigable streams and waterways now or hereafter existing within the State, in aid of commerce and use of navigable waterways of the State. The cost of acquiring any dock facilities shall be deemed to include, inter alia, (a) fees of engineers and

attorneys and other expenses incidental to such acquisition; (b) the cost of issuing those of the bonds that may be issued to provide funds for such acquisition; and (c) interest on such bonds during such period of time, not exceeding three years from the date of the completion of said dock facilities, as may be specified in the order or resolution authorizing the issuance of such bonds as the period of time estimated by the Department to be required for placing the said dock facilities in profitable operation.

Section 11. Revenues from Dock Facilities. The proceeds derived from the operation of each unit of development acquired or constructed pursuant to the provisions of this Act shall be applied for the following purposes in the following order: (a) payment of the expenses of operating dock facilities acquired, constructed or operated pursuant to the provisions of this Act; (b) payment at their respective maturities of the principal of and interest on any bonds issued pursuant to the provisions of this Act; (c) establishment and maintenance of a sinking fund for retirement of any bonds issued pursuant to the provisions of this Act, into which there shall be paid monthly, beginning at the end of the first twelve months following the completion of each unit of development acquired or constructed hereunder, one-half of one per centum of the cost of each such unit of development, not exceeding, however, one-half of the gross income of such unit of development received during the month preceding the making of such monthly payment. The proceeds from each unit of development acquired, constructed or operated pursuant to the provisions of this Act remaining after compliance with the foregoing sentence shall be used for such of the following purposes as may from time to time be designated by the Department; (a) payment of expenses of operating any dock facility or facilities constructed pursuant to the provisions of the 1957 Docks Amendment; and (b) payment at their respective maturities of the principal of and interest on any bonds at any time issued pursuant to the 1957 Docks Amendment. With respect to the revenues from any dock facilities, the acquisition, construction or operation of which was financed in part with bonds issued under the 1957 Docks Act and in part with bonds issued under this Act, the provisions of this section shall be subject to the provisions of Sections 9 and 10 of the 1957 Docks Act. The retention by the Department of such revenues as may be reasonably required for operating capital for dock facilities acquired, constructed or operated pursuant to the provisions of this Act shall be deemed a retention of moneys for operating expenses within the meaning of this section. Moneys in the sinking fund provided for in this section shall be used only for the purpose of retirement of the bonds, either by payment of the principal thereof or the interest thereon at their respective maturities, redemption of the bonds prior to maturity pursuant to any redemption provisions that may be contained in the order or resolution whereunder such

bonds are issued, or purchase of any of the bonds for cancellation and retirement at a purchase price not exceeding the face value thereof plus a premium equal to twelve months' interest thereon; provided, that pending use of moneys in said sinking fund for the purposes specified in this sentence such moneys may, in the discretion of the Department with the approval of the Governor, be invested in securities which are direct general obligations of the United States.

Section 12. Separate Records as to Each Unit of Development. The Department shall establish and maintain a separate record with respect to each unit of development that may have been or may be acquired, constructed or operated in whole or in part under the provisions of this Act or the 1957 Docks Act. Each such separate record shall show (a) the total amount of the Capital investment in each such unit of development, including (i) the amount of such capital investment derived from the proceeds of the bonds issued hereunder or under the 1957 Docks Act, and (ii) the amount, if any, of the said capital investment derived from any other source; (b) the expenses of operating each such unit of development; and (c) the gross revenues derived from the operation of each such unit of development. In the event any proceeds from bonds issued either under this Act or the 1957 Docks Act shall be used to pay any of the operating expenses of any unit of development, the amount of bond proceeds so used shall be deemed a part of the capital investment in such unit of development.

Section 13. Authorization of Charges. The Department shall have the right and power to fix from time to time and to collect reasonable rates and charges for services rendered by, and for the use of, dock facilities acquired, constructed or operated pursuant to the provisions of this Act.

Section 14. Revocation of Licenses. Any license heretofore granted by the State, either expressly or by implication, permitting the upland owner to occupy any part of the space between the high water mark and the low water mark of any navigable waterway of this State, or along the banks of any river, stream or waterway of this State, may be revoked or cancelled by the Department in the same manner and subject to the same conditions as those set forth in Section 16 of the 1957 Docks Act.

Section 15. Bonds and Interest Thereon Exempt from Taxation. Any bonds issued pursuant to the authority of this Act and the interest thereon shall be exempt from all taxation by the State of Alabama or any political subdivision thereof.

Section 16. Severability. If any portion of this Act should be held invalid for any cause, such invalidity shall not affect the remaining portions of this Act, which shall remain in full force and effect as to all portions thereof not declared invalid, the Legis-

lature hereby expressly declaring that it would have adopted the remaining portions of this Act notwithstanding the portion thereof declared to be invalid.

Section 17. Effective Date of This Act. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 18, 1959.

Time: 3:28 P. M.

Act No. 99

H. 92—Goodwyn, Bailey, Cornett

AN ACT

To amend the revenue law so as to alter, modify, and change the rates of the state use tax and eliminate certain exemptions heretofore granted or provided; amending further Sections 788 and 789 of Title 51, Code of Alabama 1940, and repealing Act No. 205, S. 14, approved June 22, 1943, Act No. 320, H. 385, approved July 7, 1945, Act No. 321, H. 386, approved July 7, 1945, Act No. 313, H. 356, approved July 7, 1945, Act No. 397, H. 193, approved August 16, 1949, Act No. 587, H. 442, approved August 30, 1951, Act No. 839, H. 565, approved September 19, 1953, Act No. 447, H. 167, approved August 31, 1953, Act No. 742, H. 920, approved September 17, 1953, Act No. 852, S. 128, approved September 19, 1953, and Act No. 601, H. 1066, approved September 18, 1957.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 788 and 789 of Title 51, Code of Alabama 1940, as amended, are amended further to read as follows:

“Section 788. (a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property purchased at retail on or after the first day of October 1959, for storage, use or other consumption in this state at the rate of three percent of the sales price of such property, except as provided in subsections (b) and (c).

“(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machine, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machine, purchased at retail on or after the first day of October 1959, for storage, use or other consumption in this state, at the rate of one and one-half percent of the sales price of such machine or the parts, attachments, or replacements therefor.

“(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer and semi-trailer purchased at retail on or after October 1, 1959, for storage, use or other consumption in this

state at the rate of one and one-half percent of the sales price of such automotive vehicle, truck trailer or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

"Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, however, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this Article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of Section 791 of this Title, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer."

"Section 789. The storage, use or other consumption in this state of the following tangible personal property is hereby specifically exempted from the tax imposed by this Article:

"(a) Property, the gross proceeds of sales of which are required to be included in the measure of the tax imposed by the provisions of Article 10 of this Chapter.

"(b) Property, the storage, use or other consumption of which this state is prohibited from taxing under the constitution or laws of the United States of America or under the constitution of this state.

"(c) Tangible personal property, not to be used in the performance of a contract, brought into this state by a nonresident thereof for his own storage, use or consumption while temporarily within this state.

"(d) Lubricating oil and gasoline as defined in Sections 630 and 646 of this Title, the storage, use or other consumption of which is otherwise taxed.

"(e) All fertilizer; provided, the word 'fertilizer' as used in this Article shall not be construed to include cottonseed meal when not in combination with other material.

"(f) All seeds for planting purposes and baby chicks and poults; provided, nothing herein shall be construed to exempt plants, seedlings, nursery stock or floral products.

"(g) Insecticides and fungicides and feed for livestock and poultry (but not including prepared foods for dogs and cats).

"(h) The use, storage or consumption of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

"(i) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(j) Transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

"(k) Coal or coke to be stored, used or consumed by manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products or the generation of heat or power used (1) in manufacturing tangible personal property for sale (2) for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale or (3) for the generation of motive power for transportation.

"(l) Fuel and supplies for use or consumption aboard ships plying the high seas either in inter-coastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this Act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other water craft.

"(m) Property stored, used or consumed by the State of Alabama, by the counties within the State, or by incorporated municipalities of the State of Alabama.

"(n) The use, storage or consumption of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state.

"(o) The use, storage or consumption of fuel oil purchased as fuel for kiln used in manufacturing establishments.

"(p) Tangible personal property stored, used or consumed

by county and city school boards, and independent school boards as defined by Senate Bill No. 20 of the 1959 Second Special Session of the Legislature of Alabama and all educational institutions and agencies of the State of Alabama, the counties within the State, or any incorporated municipality of the State of Alabama.

“(q) The storage, use or consumption of railroad cars, and vessels and barges of more than 50 tons burden when purchased from the manufacturers or builders thereof.”

Section 2. The following Acts granting or providing exemptions from the state sales and use taxes are hereby expressly repealed: Act No. 469, approved August 31, 1953 (Regular Session of 1953); Act No. 744, approved September 17, 1953 (Regular Session of 1953); Act No. 205, S. 14, approved June 22, 1943 (General Acts of Alabama, 1943, p. 184); Act No. 320, H. 385, approved July 7, 1945 (General Acts of Alabama, 1945, p. 525); Act No. 321, H. 386, approved July 7, 1945 (General Acts of Alabama, 1945, p. 526); Act No. 313, H. 356, approved July 7, 1945 (General Acts of Alabama, 1945, p. 504); Act No. 397, H. 193, approved August 16, 1949, (Acts of Alabama, 1949, p. 568); Act No. 587, H. 442, approved August 30, 1951 (Acts of Alabama, 1951, Vol. II, p. 1020); Act No. 839, H. 565, approved September 19, 1953, (Acts of Alabama, 1953, Vol. II, p. 1130); Act No. 447, H. 167, approved August 31, 1953 (Acts of Alabama, 1953, Vol. I, p. 552); Act No. 742, H. 920, approved September 17, 1953 (Acts of Alabama, 1953, Vol. I, p. 1006); Act No. 852, S. 128, approved September 19, 1953 (Acts of Alabama, 1953, Vol. II, p. 1143); and Act No. 601, H. 1066, approved September 18, 1957, (Acts of Alabama, 1957, Vol. II, p. 861).

Section 3. This Act shall take effect on the first day of October next following the date of its enactment.

Approved August 18, 1959.

Time: 3:16 P. M.

Act No. 100

H. 94—Nichols, Meade, Boyd, Dodd, Roberts, Self, Cates, Johnson (Hardaway), Johnston (Leonard), Franklin

AN ACT

To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—(1) The following words, terms and phrases, when used in this Act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) The term "person" or the term "company" herein used interchangeably, includes any individual, firm, co-partnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(b) The term "department" means the department of revenue of the state of Alabama.

(c) The term "commissioner" means the commissioner of revenue of the state of Alabama.

(d) The term "tax year" or "taxable year" means the calendar year.

(e) The term "sale" or "sales" includes installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

(f) The term "gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property (and including the proceeds from the sale of any property handled on consignment by the taxpayer), including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses; provided that cash discounts allowed and taken on sales shall not be included, and "gross proceeds of sales" shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term "gross proceeds of sale" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

(g) The word "taxpayer" means any person liable for taxes hereunder.

(h) The term "gross receipts" means the value proceeding

or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in (not including, however, interest, discounts, rentals of real estate or royalties) and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses. Said term "gross receipts" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

(i) The term "wholesale sale" or "sale at wholesale" means a sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale. The term "wholesale sale" shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures or compounds for sale, and the furnished container and label thereof. The term "wholesale sale" or "sale at wholesale" shall also include a sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons. Moreover, such terms include a sale to a manufacturer or compounder, of crowns, caps, and tops intended for one-time use employed and used upon the containers in which he markets his products; but such terms do not include a sale of re-usable containers which in the usual and ordinary course and manner of doing business are repurchased or otherwise recovered for re-use.

(j) The term "sale at retail" or "retail sale" shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold, are immaterial in determining whether or not a sale is at

retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

(k) The word "business" as used in this Act, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

(l) The term "automotive vehicle" shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyances.

(m) The use within this state of tangible personal property by the manufacturer thereof, as building materials, in the performance of a construction contract, shall, for the purposes of this Act be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this Act.

(n) A sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama has registered with the department of revenue and has received therefrom a certificate of such registration

or, if a non-resident of this state purchasing lumber for resale outside of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before the thirty-first day of January of each succeeding year; provided, however, that if not renewed the certificate shall become invalid for the purpose of this Act on the first day of February.

Section 2. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation, (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Alabama Polytechnic Institute and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks), an amount equal to three percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within this state, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such in-

stitution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the state of Alabama, an amount equal to three percent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one and one-half percent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

(d) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one and one-half percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer.

Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Section 3. There are exempted from the provisions of this Act and from the computation of the amount of the tax levied, assessed or payable under this Act the gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the constitution or laws of the United States or under the constitution of this state.

Section 4. If any person, on or after October 1, 1959, shall engage in or continue in any business for which a privilege tax is imposed by Section 2 of this Act, as a condition precedent to engaging or continuing in such business, he shall apply for and obtain from the department a license to engage in and to conduct such business for the current tax year upon the condition that he shall pay the taxes accruing to the state of Alabama under the provisions of this Act, provided, however, that no license shall be issued under the provisions of this Act to any person who has not complied with the provisions of this Act, and no provision of this Act shall be construed as relieving any person from the pay-

ment of any license or privilege tax now or hereafter imposed by law.

Section 5. The taxes levied under the provisions of this Act, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues. On or before the twentieth day of each month after this Act shall have taken effect, every person on whom the taxes levied by this Act are imposed, shall render to the department of revenue on a form prescribed by the department, a true and correct statement showing the gross sales, the gross proceeds of sales, or gross receipts of his business, as the case may be, for the next preceding month, the amount of gross proceeds or gross receipts which are not subject to the tax, or are not to be used as a measurement of the taxes due by such person, and the nature thereof, together with such other information as the department may demand and require, and at the time of making such monthly report such person shall compute the taxes due and shall pay to the department of revenue the amount of taxes shown to be due. Provided, however, that when the total tax for which any person liable under this Act does not exceed ten dollars, for any month, a quarterly return and remittance in lieu of the monthly returns may be made on or before the twentieth day of the month next succeeding the end of the quarter for which the tax is due, when specially authorized by the department of revenue, and under such rules and regulations as may be prescribed. The department of revenue, for good cause, may extend the time for making any return required under the provisions of this Act, but the time for filing any such return shall not be extended for a period greater than thirty days from the date such return is due to be made.

Section 6. Any person taxable under this Act, having cash and credit sales, may report such cash sales, and the taxpayer shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report, but in no event shall the gross proceeds of credit sales be included in the measure of the tax to be paid until collections of such credit sales shall have been made.

Section 7. It shall be the duty of every person engaging, or continuing, in this state in any business for which a privilege tax is imposed by this Act, to keep and preserve suitable records of the gross sales, gross proceeds of sales and gross receipts or gross receipts of sales of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable, under the provisions of this Act. And it shall be the duty of every person to keep and preserve, for a period of three years, all invoices of goods, wares and merchandise purchased, for resale or otherwise, and all such books, invoices and

other records shall be open for examination at any time, by the department, or its duly authorized agent. Any person selling both at wholesale and retail shall keep his books so as to show separately the gross proceeds of wholesale sales and the gross proceeds of retail sales.

Section 8. The monthly reports herein required to be made are not required to be made on oath but wherever in this Act any report is required to be sworn to, the same shall be sworn to by the taxpayer or his agent before some officer authorized to administer oaths, and any false statement to a material fact made with intent to defraud, shall constitute perjury, and upon conviction thereof the person so convicted shall be punished as provided by law.

Section 9. Any person subject to the provisions of this Act who shall fail to make the reports or any of them, as herein required, or who shall fail to keep the records as herein required, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars, nor more than five hundred dollars, for each offense. Each month of such failure shall constitute a separate offense.

Section 10. Any person subject to the provisions of this Act wilfully refusing to make the reports herein required, or who shall refuse to permit the examination of his records by the department of revenue, or its duly authorized agents, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, nor more than five hundred dollars for each offense, and in addition may be imprisoned in the county jail for a period not to exceed six months. Each month of failure to make such reports shall constitute a separate offense, and each refusal of a written demand of the department to examine, inspect or audit such records shall constitute a separate offense.

Section 11. As soon as practicable after the return is filed the department shall examine it and ascertain the proper amount of the tax due as shown by the return. If the amount paid is greater than the amount due, as shown by the return, the excess shall be refunded to the taxpayer, or credited on any deficiency previously due by the taxpayer, in accordance with law and under such rules and regulations as the department may adopt and promulgate. If the amount paid is less than the amount due, as shown by the return, the department shall immediately notify the taxpayer of such deficiency and shall add thereto a penalty of ten percent of the amount due, and if such deficiency be not paid within thirty days from the date of such notice, the same shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the date the same was due which shall be collected as a part of the tax; provided, the department, if a good and sufficient reason is shown, may waive or remit the penalty of ten percent or a portion thereof.

Section 12. Any person who fails to pay the tax herein levied within the time required by this Act shall pay, in addition to the tax, a penalty of ten percent of the amount of tax due, together with interest thereon at the rate of one-half of one percent per month, or fraction thereof, from the date at which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as a part of the tax. Provided the department, if a good and sufficient reason is shown, may waive or remit the penalty of ten percent or a portion thereof.

Section 13. If any taxpayer fails to make the returns herein required, the department shall issue written notice, by registered mail, to such taxpayer to make such returns forthwith, and if such taxpayer fails or refuses to make such return, or returns, within thirty days from the date of such notice, then the department shall make return for such delinquent taxpayer upon such information as it may reasonably obtain, and shall assess the taxes due thereon, and shall add a penalty for failure to make such return and payment of twenty-five percent of the tax due, as assessed by the department, and interest at the rate of one-half of one percent per month, or fraction thereof, from the date such taxes were due. Provided the department, if a good and sufficient reason is shown for such delinquency, may waive or remit the twenty-five percent penalty, or a portion thereof.

Section 14. Whenever the department, in examining and auditing the records of any taxpayer, or from other information, shall ascertain that the amount, or amounts, previously paid by any taxpayer for any period, or periods, is incorrect, the department shall compute the correct amount of tax due, and if it appears that the amount paid by the taxpayer is in excess of the correct amount due, such excess shall be refunded to the taxpayer in accordance with law and under the rules and regulations of the department. If it appears that the amount paid by such taxpayer is less than the amount due, the department shall compute the amount of such deficiency and shall notify the taxpayer, and shall demand payment therefor. If the amount demanded is not paid within ten days from the date of such demand, or if the taxpayer does not request an extension of time within ten days from the date of such demand, the department shall make an assessment against the taxpayer of the amount due and shall add a penalty of one-half of one percent per month from the date such taxes or any part thereof became due. Provided, that the department may, if a good and sufficient reason is shown, waive or remit the penalty or a portion thereof. If within ten days from the date of notice of a deficiency the taxpayer requests in writing an extension of time, the department shall grant an extension of thirty days. If at the end of such extended period, the deficiency has not been paid, the department shall proceed with the assessment. Provided that if the department be of the opin-

ion that there was a wilful or fraudulent intent by the taxpayer to evade the tax due, it may assess a penalty of twenty-five percent of the tax. Provided that upon appeal such action shall be reviewable.

Section 15. Whenever the department shall make an assessment against a taxpayer as herein provided, the department shall notify the taxpayer by registered or certified mail of the amount of such assessment, and shall notify the taxpayer to appear before the department on a day named not less than twenty days from date of such notice and show cause why such assessment should not be made final. Such appearance may be made by agent or attorney. If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgment of the department, such assessment shall be made final in the amount originally fixed or in such other amount as is determined by the department to be correct. If upon such hearing the department finds the amount due to be different from that originally assessed, it shall make the assessment final in the correct amount and in all cases shall notify the taxpayer of the assessment as finally fixed. Provided a notice by United States mail addressed to the taxpayer's last known place of business shall be sufficient. Any assessment made by the department shall be prima facie correct upon appeal.

Section 16. (a) Whenever any taxpayer, who has duly appeared and protested an assessment by the department, is dissatisfied with the assessment as finally made, he may appeal in all respects in the same manner provided by Section 140 of Title 51, Code of Alabama 1940. Provided, no appeal shall lie in cases where the taxpayer has failed to appear and protest.

(b) No assessment shall be made by the department of revenue against any person, firm or corporation for any tax which became due from such person, firm, or corporation under the provisions of this Act more than three years prior to the date the department commenced an audit of the books or records of such person, firm, or corporation to ascertain the amount due, or, if no audit is made, prior to the date the department mailed written demand for the amount claimed to be due from such person, firm, or corporation.

Section 17. The tax together with interest and penalties imposed by this Act shall be a lien upon the property of any person subject to the provisions of this Act, and the provisions of the revenue laws of the State of Alabama applying to liens for license taxes shall apply fully to the taxes herein levied.

Section 18. If any final assessment of taxes herein levied be not paid within thirty days after such assessment becomes final if no appeal has been taken, in cases where an appeal is authorized, the department shall issue an execution therefor directed to

any sheriff of the state of Alabama commanding him to levy upon and sell the real and personal property of the person against whom such execution is directed, found in his county, together with all penalties assessed. The sheriff shall within five days after the receipt thereof file with the clerk of the circuit court of his county a copy thereof, and thereupon the circuit clerk shall enter in the judgment roll, in the column of judgment debtors, the name of the taxpayer named in the execution, the amount of the tax, and damages and penalties for which the execution is issued, and the day when such copy is filed; thereupon the amount of such execution so docketed shall become a lien upon the real and personal property of the person against whom it is issued in the same manner as judgments duly enrolled from the circuit court or court of like jurisdiction.

The sheriff thereupon shall levy upon any property of the taxpayer with like effect and in the manner prescribed by law in respect to execution issued upon judgments of the circuit court or court of like jurisdiction, and the remedies of attachment and garnishment shall apply fully to such execution, and the officer shall be entitled to the same fees for his services as now allowed by law for like services to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of such execution within sixty days of the issuance thereof to the department and upon such return alias or pluries executions may be issued by the department which shall be executed in the same manner. Such lien shall not be valid against any mortgagee, purchaser, or judgment creditor until notice has been filed in the office of the judge of probate as provided for under Section 883 of Title 51, Code of Alabama 1940.

Section 19. The tax herein levied shall constitute a debt due the state of Alabama and may be collected by civil suit, in addition to the methods herein provided, brought at any time within three years after the tax has become due and payable.

Section 20. The department of revenue may summon before it any taxpayer and any officer or employee of any taxpayer, liable for taxes under this Act or any other witnesses, swear and examine them with regard to any facts showing the amount of taxes levied by this Act due by such persons, and the department, or its duly authorized representatives and agents shall be allowed to examine any books, papers, or documents of the taxpayer, and if any taxpayer shall refuse to allow such examination to be made in his main office or principal place of business in Alabama, the department may require the production, before it at the courthouse in the county in Alabama where the taxpayer has his main office or principal place of business, of any books, papers, invoices, or documents. The summons of witnesses to appear before it, or the notice to the taxpayer to produce books, papers, invoices, or documents before it, may be issued by the department

of revenue, signed by the secretary, and such summons or notice shall be directed to any sheriff of the State of Alabama, and must be served by any sheriff to whom such summons or notice is delivered by the department for services. The department or any authorized agent is given full authority to inspect or examine, during business hours at the office of the taxpayer where its books are kept, or if said books are kept outside of the state, then at the office outside of the state where such books are kept by the taxpayer, all books, papers, invoices, or documents of said taxpayer shedding any light on the amount of taxes levied by this Act due by such person. Any person who wilfully fails to appear before the department after having been summoned as a witness, or having appeared refuses to testify as to any material matters required of him by the department, or any taxpayer or his agent who refuses to produce before the department after notice given him, any books, papers, invoices, or documents required to be produced, or any taxpayer or agent thereof in custody of the books, papers, invoices, or documents, and any taxpayer who refuses to allow the department or any authorized agent thereof to inspect or examine said books, papers, invoices, or documents at the office of such taxpayer, where said books are kept during business hours, shall be guilty of contempt and upon a certificate of the facts to a circuit judge of the county where the taxpayer has his principal place of business or where his books are kept, it shall be the duty of such circuit judge to adjudge such taxpayer or his agent in contempt, and shall subject such taxpayer or his agent to a fine not exceeding fifty dollars and imprisonment in the county jail for a period not exceeding five days. Provided that each said refusal to appear or upon appearance each refusal to testify, or each said refusal to produce books, papers, invoices, or documents required, or each refusal to allow the examination of such books, records, invoices, or documents, either or all, shall constitute a separate offense.

Section 21. If the department finds that a person liable for tax under any provisions of this Act designs quickly to depart from the state or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect such tax unless such proceedings be brought without delay, the department shall cause notice of such finding to be given such person, together with a demand for an immediate return and immediate payment of such tax. Thereupon such tax shall become immediately due and payable. If such person is not in default in making such return or paying any tax prescribed by this Act, and furnishes evidence satisfactory to the department under regulations to be prescribed by the department, that he will duly return and pay the tax to which the department's finding relates, then such tax shall not be payable prior to the time otherwise fixed for payment. If such person fails to appear and

make such showing then the department shall make such assessment final and execution may immediately issue as it is herein provided.

Section 22. For the purpose of securing the payment of any tax, penalties, or interest due or which may become due under the provisions of this Act, every itinerant vendor engaged in the business of selling tangible personal property at retail in this state is required to file a bond with the department conditioned upon the payment of any tax, penalty or interest due or to become due under the Act, and upon faithful observance of the provisions of the Act. Such bond shall be effective for a period of one year from date of issuance and shall be in an amount not less than one hundred dollars nor more than one thousand dollars to be fixed by the department equal to the amount of tax estimated due or to become due under the provisions of this Act, and shall have a surety or sureties satisfactory to the department. It shall be filed with the department within ten days after notice in writing has been issued by the commissioner or any person designated by him in writing for this purpose, and sent by registered or certified mail to the last known address of any itinerant vendor or has been personally served upon him by a duly accredited representative of the department. If such itinerant vendor fails to make any return due under this Act or to pay any taxes or penalties due under this Act, or to keep books and records as required by this Act, or fails to perform any other duty or obligation imposed on him under this Act, such bond shall thereupon be forfeited, and the department shall institute suit upon such bond in the name of the state of Alabama for the entire amount of said bond and costs.

Section 23. Any person subject to the provisions hereof who shall sell out his business or stock of goods, or shall quit business, shall be required to make out the return provided for under Section 5 of this Act within thirty days after the date he sold out his business, or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid until such time as the former owner shall produce a receipt from the department showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided the taxes shall be due and unpaid after the thirty-day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner. If in such cases the department deems it necessary in order to collect the taxes due the state it may make a jeopardy assessment as herein provided.

Section 24. Every person, firm, corporation, association, or co-partnership engaged in or continuing within this state in the

business for which a license or privilege tax is required by this Act shall add to the sales price and collect from the purchaser on all sales upon the gross receipts or gross proceeds of which there is levied by this Act a sales tax at the rate of three percent, three cents tax for each whole dollar of sales price; Provided, however, on that part of the sales price which is a fractional part of a dollar, in addition to whole dollars, and on sales of less than a dollar there shall be collected in addition to the tax collected on whole dollars, no tax on one cent to and including ten cents of sales price, one cent tax on eleven cents to and including forty cents of sales price, two cents tax on forty-one cents to and including seventy-five cents of sales price, three cents tax on seventy-six cents to and including ninety-nine cents of sales price. Upon all sales the gross receipts or gross proceeds of which are taxed by this Act at a rate less than three percent, there shall be added to the sales price and collected from the purchaser by such person, firm, corporation, association, or co-partnership described in this section an amount equal to the prescribed percentage of such sales price. It shall be unlawful for any person, firm, corporation, association, or co-partnership described in this section to fail or refuse to add to the sales price and collect from the purchaser the amount required by this Section to be so added to the sales price and collected from the purchaser; and it shall likewise be unlawful to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption or refund of the amount required to be added to the sales price and collected from the purchaser, or any portion of such amount. Any person, firm, corporation, association, or co-partnership violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than fifty dollars nor more than one hundred dollars, or may be imprisoned in the county jail for not more than six months or by both such fine and imprisonment, and each Act in violation of the provisions of this Act shall constitute a separate offense. The provisions of this Section that there shall be added to the sales price and collected from the purchaser the amounts provided herein shall in no way relieve the person, firm, corporation, association or co-partnership described in this section of the tax levied by this Act; nor shall the inability, impracticability, refusal, or failure to add to the sales price and collect from the purchaser the amounts provided herein relieve such person, firm, corporation, association, or co-partnership from the tax levied by this Act. All taxes paid in pursuance to this Act or any other statute enacted in this connection shall conclusively be presumed to be a direct tax on the retail consumer, pre-collected for the purpose of convenience and facility only.

Section 25. Any taxpayer who shall violate any of the provisions of this Act may be restrained from continuing in business, and the proper prosecution shall be instituted in the name of the

State of Alabama by its attorney general, by the counsel of the department or under their direction by any circuit solicitor of the state until such person shall have complied with the provisions of this Act.

Section 26. The tax imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder, except as in this Act otherwise specifically provided.

Section 27. (a) Unless in accordance with a judicial order or as herein provided, the department, its agents, clerks, or stenographers shall not divulge the gross receipts, gross proceeds of sales, or the amount of tax paid by any person as shown by the reports filed under the provisions of this Act, except to employees of the department for the purpose of checking, comparing, and correcting returns, or to the governor, or to the attorney general, or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of this Act.

(b) Any duly authorized agent of the tax collecting authority of any municipality or county of this state shall have access at any reasonable time upon the written request by the governing body of such municipality or county to the information contained in the sales tax returns, statements, or information secured by the department of revenue officials or employees, for the purpose of arriving at the amount of any tax due from any person, firm, or corporation, if such person, firm, or corporation is liable for, or if there is probable cause for believing such person, firm, or corporation might be liable for the payment of any tax to such municipality or county.

(c) Any duly authorized tax collecting authority desiring to secure the information as set out in subsection (b) above shall petition the governing body of such municipality or county of this state to secure such information. Such governing body shall, after the passage of a proper resolution requesting such information, make written request to the commissioner of revenue of the State of Alabama for the required information and shall attach to such written request a copy of said resolution.

(d) The commissioner of revenue of the State of Alabama shall have authority to promulgate reasonable rules and regulations governing the release of the information as provided in subsection (b) above.

(e) It shall be unlawful for any person to use the information obtained in accordance with subsection (b) above for any purpose other than ascertaining the amount of the taxes due the municipality or county. Any person violating the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished according to law.

Section 28. The administration of this Act is vested in and shall be exercised by the department of revenue, except as otherwise herein provided, and the enforcement of any of the provisions of this Act in any of the courts of the state shall be under the jurisdiction and supervision of the department, and the department may require the assistance of, and act through the prosecuting attorney, or deputy solicitor of any county, or any circuit solicitor, and the attorney general of the state, and any legal counsel of the department of revenue. The department shall appoint as needed such agents, clerks, and stenographers as may be necessary to enforce provisions of this Act, under the provisions of the merit system, who shall perform such duties as may be required, and such duly appointed and qualified agents are authorized to act for the department as it may direct and as is authorized by law.

Section 29. The department shall from time to time promulgate such rules and regulations for making returns and for ascertainment, assessment and collection of the tax imposed hereunder as it may deem necessary to enforce its provisions; and upon request shall furnish any taxpayer with a copy of such rules and regulations. The department may adopt rules and regulations providing for the issuance of permits to manufacturers to purchase tangible personal property without the payment to the vendor of the sales tax, and providing for such manufacturer to report and pay such tax directly to the department, in instances where the department determines that it is practically impossible at the time of purchase for such manufacturer or his vendors to determine with any degree of certainty the applicability of such tax, and that such provisions will facilitate and expedite the collection of the tax which may be due from such consumer; and such provisions may also be made applicable to persons engaged in the business of mining, quarrying, compounding, or processing tangible personal property, railroads, transportation companies, and others.

Section 30. If upon examination by the department, it is determined that an amount of tax has been paid in excess of that properly due, then the amount in excess shall be credited against any amount thereof then due from the taxpayer, and any balance of such excess shall be refunded to the taxpayer by certificate of over-payment issued by the department to the comptroller. Upon approval of such certificate by the comptroller, he shall issue his warrant on the treasurer for the amount shown by such certificate. Any taxes recovered by suit by any taxpayer shall be refunded in like manner, but shall be accompanied by a copy of the order or decree of the court issuing such order or decree.

Section 31. All taxes or other funds received or collected by the department under the provisions of this Act shall be without delay deposited in the treasury.

Section 32. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this Act; provided, however, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Title 55, Article 3, Chapter 4, of the Code of Alabama 1940, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by Section 424, Title 51, Code of Alabama 1940, for the replacement in the public school fund of the three-mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this Act shall be first charges against the proceeds of said licenses, taxes, or receipts levied or collected under this Act. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this Act as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to four million, two hundred thousand dollars, then the sum of three hundred seventy-eight thousand dollars shall be paid into the treasury to the credit of the sixty-seven counties of the state, to be divided and distributed as hereinafter provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than four million, two hundred thousand dollars, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the sixty-seven counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the sixty-seven counties as above provided (which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of three hundred, seventy-eight thousand dollars for any one fiscal year) shall be divided and distributed as follows: One-half of said proceeds shall be divided and distributed proportionately

among the sixty-seven counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published, or certified by the director of the bureau of the census; and one-half of said proceeds shall be divided or distributed equally among sixty-seven counties; provided that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the state board of health or the federal government; and for extension services in cooperation with the Alabama agricultural extension service or the federal government, at the discretion of the commissioners court, boards of revenue, or other governing bodies of the several counties of the state. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to four million, two hundred thousand dollars, then the sum of six hundred, seventy-two thousand dollars shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than four million, two hundred thousand dollars, then an amount equal to sixteen percent thereof shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed is greater than four million, two hundred thousand dollars, then an amount equal to one-fourth of such excess shall be paid into the treasury to the credit of the state department of public welfare to be used for old age assistance exclusively; provided, however, that this one-fourth of such excess shall not exceed the sum of six hundred, fifty thousand dollars per annum. The amount of the proceeds of all taxes levied by this Act remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the sixty-seven counties as herein provided shall be paid into the Alabama special educational trust fund.

Section 33. There are exempted from the provisions of this Act and from the computation of the amount of the tax levied, assessed or payable under this Act the following:

(a) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 630 and 646 of Title 51, Code 1940, which are otherwise taxed.

(b) The gross proceeds of the sale, or sales, of fertilizer. The

word "fertilizer" shall not be construed to include cottonseed meal, when not in combination with other materials.

(c) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

(d) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry (but not including prepared food for dogs or cats).

(e) The gross proceeds of sales of all livestock by whomsoever sold; and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

(f) Cottonseed meal exchanged for cottonseed at or by cotton gins.

(f-1) The gross receipts from the business on which, or for engaging in which a license or privilege tax is levied by or under the provisions of Sections 177-180, 182-184, and 186 of Title 51, Code of Alabama 1940. Provided, however, that nothing contained in this subsection shall be construed to exempt or relieve the person or persons operating the business enumerated in said Sections from the payments of the tax levied by this bill upon or measured by the gross proceeds of sales of any tangible personal property (except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 177) merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this bill.

(f-2) The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

(g) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric

power or energy for use in manufacturing tangible personal property for sale or for re-sale, or for the generation of motive power for transportation.

(h) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships plying the high seas either in inter-coastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this Act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other water craft.

(i) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the State, and to incorporated municipalities of the State of Alabama.

(j) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof.

(k) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state.

(l) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

(m) The gross proceeds of the sale or sales of tangible personal property to county and city school boards and independent school boards as defined by Senate Bill No. 20 of the 1959 Second Special Session of the Legislature of Alabama and all educational institutions and agencies of the State of Alabama, the counties within the State, or any incorporated municipality of the State of Alabama.

Section 34. The governor may, by executive order, authorize the department to provide by proper rules and regulations, for the allowance of a discount, not to exceed five percent of the first one hundred dollars of taxes levied and two percent of the taxes levied over one hundred dollars by this Act and due and payable to the state by any person licensed under the provisions hereof. Provided, however, that no discount shall be authorized or allowed upon any taxes which are not paid before delinquency, as in this Act provided.

Section 35. This Act supersedes Article 10 of Chapter 20, Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplemental thereto, and such statutes are hereby repealed.

Provided, that nothing herein shall be construed to relieve any person from any tax liability, penalty, or forfeiture incurred under such laws and statutes before the effective date of this Act; and any provisions of said Article 10 of Chapter 20, Title 51, providing for the collection and enforcement of any tax, liability, penalty or forfeiture thereunder shall as to such tax, liability, penalty, or forfeiture remain in full force and effect.

Section 36. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 37. This Act shall take effect October 1, 1959.

Approved August 18, 1959.

Time: 3:15 P. M.

Act No. 101

H. 56—Cates, Harvey, Guthrie, Copeland,
Oden, Speaks, Nichols, Rogers,
Adams (Houston), Ferguson, Sul-
livan

AN ACT

Levying additional privilege and license taxes on the sale, storage, or delivery of tobacco and tobacco products within this state; providing for the collection and enforcement of such taxes; and appropriating the proceeds thereof to the Alabama Special Educational Trust Fund.

Be It Enacted by the Legislature of Alabama:

Section 1 (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the State of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any cigarettes, cigars, cheroots, stogies, and smoking tobacco shall collect and pay over to the State of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of cigarettes, cigars, cheroots, stogies, and smoking tobacco for any use, provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. The tax hereby levied shall be at the following rates:

On each package of cigarettes containing twenty cigarettes or less, two cents; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, four cents; and on each package of cigarettes containing more than forty cigarettes, six cents.

Little cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, one mill on each cigar, or fractional part thereof.

Cheroots, stogies, cigars, etc. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for three and one-third cents each or less, one-half dollar per thousand.

Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than three and one-third cents each and not more than five cents each, one dollar per thousand.

Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than five cents each and not exceeding eight cents each, one and one-half dollars per thousand.

Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than eight cents each and not exceeding ten cents each, two and one-half dollars per thousand.

Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than ten cents and not exceeding twenty cents each, five dollars per thousand.

Cigars. Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than twenty cents each, six dollars and seventy-five cents per thousand.

Smoking tobacco. Upon all smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette, upon each package weighing: not more than one and one-eighth ounces, tax one cent; over one and one-eighth ounces, not exceeding two ounces, tax two cents; over two ounces, not exceeding three ounces, tax three cents; over three ounces, not exceeding four ounces, tax four cents; one cent additional tax for each ounce or fractional part thereof over four ounces.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of the cigarettes, cigars, cheroots, stogies and smoking tobacco, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club, or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm, corporation, club, or association shall be required to purchase tax stamps from the State of Alabama, and affix the same to the

packages at the rates set out hereinabove and in the manner provided by Section 2.

(c) Whenever reference is made herein to any manufactured tobacco products upon which the tax is based on weight, the weight as shown by the manufacturer or the federal internal revenue stamp shall apply.

(d) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

Section 2. The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Section 718 through Section 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, and all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in Section 718 through Section 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the tobaccos and tobacco products enumerated in this Act single stamps of the requisite denominations to represent the payment of the tax levied hereby as well as the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended.

Section 3. The proceeds derived from the taxes levied by this Act shall be paid by the State Department of Revenue into the State Treasury; and all such proceeds are hereby appropriated to the Alabama Special Educational Trust Fund, to be used for educational purposes in the same manner as other monies paid into such fund.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective on October 1, 1959, after its passage and approval by the Governor or its otherwise becoming a law.

Approved August 18, 1959.
Time: 3:20 P. M.

Act No. 102

H. 136—Owens

AN ACT

To amend further Section 1 of an act approved September 30, 1947, providing for compensation of members of the court of county commissioners of Crenshaw County (Act No. 502, H. 916, Local Acts 1947, p. 340).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of the act approved September 30, 1947, entitled "An Act to provide for compensation of members of the board of county commissioners of Crenshaw County out of the gasoline excise tax fund," as amended by an act approved September 6, 1957 (Act No. 438, H. 999, Acts of Alabama, Regular Session 1957, Vol. I, p. 603) is amended further to read as follows:

"Section 1. Each member of the Court of County Commissioners of Crenshaw County, Alabama, shall be paid by the County Treasurer of Crenshaw County, Alabama, out of the Gasoline Excise Tax Fund for their services and traveling expenses in inspecting the work of maintenance, upkeep and repairing the public roads and bridges of Crenshaw County, Alabama, or for their services in supervising such work on said roads and bridges the sum of Two Hundred Dollars (\$200.00) per month as a salary, and Three Hundred Dollars (\$300.00) per month for mileage and cost of transportation in performing such services. Said salary and traveling expenses to be paid by warrants drawn on the County Treasurer on order of the Court of County Commissioners of Crenshaw County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1959.

Time: 9:00 A. M.

Act No. 103

S. 26—Barnett, Clark, Farmer and Caffey

AN ACT

To amend Section 4 of Act No. 673, H. 2, approved October 9, 1947 (General Acts of Alabama, 1947, p. 514), known and cited as the "Regional Vocational and Trade Schools Act," by providing for and regulating certain paid leaves of absence for members of the faculty of such schools.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 673, H. 2, approved October 9, 1947 (General Acts of Alabama, 1947, p. 514), known and cited as the "Regional Vocational and Trade Schools Act," is amended to read as follows:

"Section 4. The authority to manage and control the trade schools is vested in the State Board of Education. The State Board of Education, upon the recommendation of the State Superintendent of Education, shall: make rules and regulations for the government of the trade schools; prescribe the courses of study to be offered and the conditions for granting certificates or diplomas; appoint the president of each trade school and, upon the president's recommendation, appoint the members of the faculty and fix the tenure and salary of each; direct and supervise the use of legislative appropriations for the use of the trade schools; accept gifts, donations, devises, and bequests of money and real and personal property for the purposes of this Act; disseminate information concerning and promote interest in the trade schools among the pupils of the public schools; and provide a means whereby students may earn, if necessary, all or a portion of their tuition, board, and lodging. It is further provided that the trade schools shall be managed and conducted in such a manner so as to be accredited as suitable institutions for veteran vocational and rehabilitation training programs sponsored by the United States. Members of the faculty of any such trade school may be paid for absences during the time such schools are in session, in the discretion of the State Board of Education, where such absence results from sickness or some other unavoidable cause which prevents the teacher from discharging his or her duties. Such leaves of absence shall be granted subject to rules and regulations duly promulgated and adopted by the board, but pay for such absences caused by sickness shall not be allowed for a total of more than four weeks during any one year, and pay for such absences resulting from unavoidable causes other than sickness shall not be allowed for a total of more than one week during any one year."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1959.

Time: 9:01 A. M.

Act No. 104

S. 34—Farmer

AN ACT

To Amend Section No. 251 of Title 15 of the Code of Alabama of 1940 so as to permit withdrawing and filing of cases where the defend-

ants are confined in Alabama State Hospitals under the provisions of Title 15, Section No. 425.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 251 of Title 15, Code of Alabama 1940, is amended to read as follows:

"Section 251. In all criminal cases in the circuit court in which a capias or warrant of arrest has issued for two terms, and has been returned 'not found,' the solicitor may, by leave of the court, withdraw and file the indictment, with leave to reinstate the same when the ends of justice require such reinstatement. And in all cases where a defendant is confined in one of the Alabama state hospitals under the provisions of title 15, section 425, and 426, the solicitor may, by leave of the court, withdraw and file the indictment, with leave to reinstate the same when the ends of justice require such reinstatement."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1959.

Time: 9:02 A. M.

Act No. 105

S. 35—Robison, Godfrey, Turner, deGraffenried, Cooper, Porter, Golson, Wilson, Shelton, Moses, Eddins, Haltom, Farmer, Leonard, Jones, Rutledge, Barnett, Clark, Berryman, Graham, Caffey, Kendall, Archer, Andrews, Dumas, Wyatt, Green, Gaither, Givhan, Hines and Samford

AN ACT

To amend further Section 5 of Act No. 515, H. B. 93, approved July 9, 1945, the act which established the Employees' Retirement System of Alabama (General Acts 1945, p. 734); providing that any officer or employee of the Legislature who attains age 70 shall not be subject to compulsory retirement, but shall continue in service at the pleasure of the house of which he is an officer or employee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 515, H. B. 93, approved July 9, 1945, the act which established the Employees' Retirement System of Alabama (General Acts 1945, p. 734), as amended, is amended further to read as follows:

"Section 5. BENEFITS—(1) Service Retirement Benefit.—(a) Any member who withdraws from service upon or after attainment of age sixty may retire upon written application to the

board of control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof he desires to be retired. Provided further that a member employed as a State policeman shall be eligible to file application for service retirement upon attaining age fifty-six.

(b) Any member who has attained age sixty may retire upon written application to the board of control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that said member at the time so specified for his retirement shall have twenty-five or more years of creditable service.

(c) Any member in service who has attained age seventy shall be retired forthwith; provided, that any member who is an official appointed for a term of years may remain in service until the end of the term of office for which he was appointed; and provided further, that a person who attains the age of seventy or above may be continued in the State's service from year to year on application of the employee approved by the Personnel Board, if evidence of physical and mental fitness is furnished. Any member in service who has attained age seventy who is an officer or employee of the legislature shall not be compelled to retire at age seventy, but may continue in service until his retirement is ordered by the house of which he is an officer or employee; and that house shall be the sole judge of his qualifications to continue in such service. Nothing in this Act shall require the dismissal of any person seventy years old or over, who fails to join the retirement system within the time specified in this chapter, if such person was in the employ of the State on June 1, 1945.

(d) Notwithstanding the provisions of this section to the contrary, any member employed as a State Policeman who has attained age 60 shall be retired forthwith; provided, that any member employed as a State Policeman who attains age 60 may be continued in the State service from year to year on application of said employee approved by the Personnel Board, if evidence of physical or mental fitness to carry out his duties is furnished.

(2) Allowance for Service Retirement. Upon retirement from service a member shall receive a service retirement allowance which shall consist of;

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, except that in the case of a State Policeman, who has completed 20 years of creditable service as a State Policeman, who retires after age 56 but prior to age 60, the annuity shall be equal to the annuity that would have been payable upon service retirement at age 60 had the member continued in service to said age 60 without change in compensation; and

(b) A pension which shall be equal to the annuity allowable at the age of retirement, but not to exceed an annuity allowable at age sixty-five, computed on the basis of contributions made prior to attainment of age sixty-five, except that in the case of a State Policeman who has completed 20 years of creditable serv-

ice as a State policeman, who retires after age 56, but prior to age 60, the pension shall be equal to the annuity that he would receive had he contributed to age 60 without change in compensation; and (c) If he has a prior service certificate in full force and effect, an additional pension shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder, except that in case of a State Policeman who has completed 20 years of creditable service as a State policeman, who retires after age 56 but prior to age 60, an additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at age 60, but not to exceed an annuity allowable at age 60 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of a member that was received during such prior service, the Board of Control may use for the purposes of this Act the compensation rate which, if it had progressed with the rates of salary increase shown in the tables as prescribed in Section 6, Subsection (14) of this Act, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received. (3) Disability Retirement Benefit. (a) Upon application of a member in service, or of his employer, any member who has had ten or more years of creditable service, who becomes disabled, may be retired on a disability retirement allowance by the Board of Control not less than thirty nor more than ninety days next following the date of filing of such application, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (b) Provided further that without regard to the number of years of creditable service a member employed as a State Policeman, who as a result of his employment, in line of duty and not as a result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform his duties or duties of a less strenuous nature, as an employee of the State of Alabama or as an employee of an employer participating under the provisions of Section 12 of this Act, shall be retired on a disability retirement allowance, not less than thirty nor more than ninety days next following the date of filing of such application, provided that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity

city is likely to be permanent, and that such member should be retired. (4) Allowance on Disability Retirement. Upon retirement for disability a member shall receive a service retirement allowance if he has attained age 60, or, in the case of a State Policeman, if he has attained age 56 and has completed 20 years of creditable service as a State policeman; otherwise he shall receive a disability retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and (b) a pension which shall be equal to seventy-five per centum of the pension that would have been payable upon service retirement at age 60 had the member continued in service to said age without change in compensation. (5) Re-examination of Beneficiaries Retired on Account of Disability. Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three year period thereafter, the Board of Control may, and upon his application shall, require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician or physicians of or designated by the Medical Board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year all his rights in and to his pension may be revoked by the Board of Control; provided that these requirements relative to the medical examination shall not apply in the case of a State Policeman retired for disability and who has attained age fifty-six. Should the Medical Board report certify to the Board of Control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the Board of Control concur in such report, then the amount of his pensions shall be reduced to an amount which together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary, together with this annuity, exceeds the amount of his average final compensation. (6) Return of Contributions. (a) Should a member cease to be an employee except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than sixteen years of member-

ship service, six-tenths of such interest accumulations if he shall have not less than sixteen but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service, and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) Should a member die before retirement, the amount of his contributions with such interest as would have been returnable in the case of withdrawal as provided in paragraph (a) of this subsection shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control. (7) Option Allowances. With the provision that no election of an option shall be effective in case a beneficiary dies within thirty days after retirement or within thirty days after filing such election, and that such a beneficiary shall be considered as an active member at the time of his death, until the first payment on account of any benefit becomes normally due, any member may elect to receive in lieu of his retirement allowance payable throughout life, the actuarial equivalent at that time, of his retirement allowance, in a reduced retirement allowance payable throughout life with the provision that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the Board of Control. (8) Return to Active Service. (a) Should any beneficiary be restored to active service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member of the retirement system, nor shall he make contributions. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the retirement system and shall make contributions. (9) In the case of those who have retired prior to the effective date

of this Act and who are receiving retirement benefits based upon the provisions of law enacted prior to the effective date of this Act, the Board of Control shall revise the benefits such persons are thereafter entitled to receive by recalculating as of the date of their retirement the additional pensions that may be provided by the provisions of this Act."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1959.
Time: 9:02 A. M.

Act No. 106

S. 36—Leonard

AN ACT

Relating to Talladega County; authorizing any savings and loan associations operating in such county to open, establish, operate and maintain branch offices anywhere in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The directors or other governing authority of any savings and loan associations operating in Talladega County, whether such association be chartered under an act of Congress or state law, are hereby authorized and empowered to open, establish, operate and maintain a branch office or offices anywhere in Talladega County, and may engage in such business at such branch office or offices as said association is permitted to do by its charter or its by-laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 20, 1959.
Time: 9:03 A. M.

Act No. 107

H. 135—Taylor, Glass

AN ACT

Proposing an amendment to the Constitution of Alabama relative to the compensation and allowances of the register of the circuit court of Butler County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed:

Amendment

"The legislature may from time to time, by general or local laws, fix, alter, and regulate the fees, commissions, percentages, and allowances of the register of the circuit court of Butler County, and may provide for compensating such officer on a salary basis, or on the basis of a salary plus fees."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the regular session of the Legislature of 1959. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House as amended August 12, 1959.

Passed the Senate August 20, 1959.

Act No. 108

H. 38—Bishop

AN ACT

Relating to game and fish in Colbert County; to prohibit the use of gill nets, hoop nets, and trammel nets in taking, capturing, or killing fish in public waters anywhere in Colbert County; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Whoever takes, captures, or kills any fish in public waters anywhere in Colbert County by means of a gill net, hoop net, or a trammel net is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars or a term at hard labor for the county not exceeding six months, or both. And it shall be unlawful for any person to use a gill net, hoop net, or trammel net in commercial fishing operations in public waters lying within Colbert County, notwithstanding the fact that such person may hold a commercial fishing gear license issued pursuant to law or under the rules and regulation of the state department of conservation. The department of conservation shall see to it that this law is enforced.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective only in the event Senate Bill 32, relating to Lauderdale County, is enacted at the current session of the Legislature. If such bill is enacted, this Act shall be effective on and after that date; if the bill is not enacted, this Act shall have no effect.

Approved August 24, 1959.

Time: 9:45 A. M.

Act No. 109

S. 37—Leonard

AN ACT

To create and establish in Beats 9, 10, 11, 12, and 13 of Talladega County an inferior court of limited jurisdiction of criminal cases and civil actions at law, to be known as the Civil and Misdemeanors Court of South Talladega County and abolishing the Civil and Misdemeanors Court of South Talladega County, created by Act No. 235, H. 557, approved July 19, 1951 (Acts 1951, page 507); providing for its officers and their term, powers, duties, compensation and method of selection; prescribing its jurisdiction; regulating its procedure and process; providing for the return of warrants thereto, including all warrants for the violation of the rules of the road and similar offenses; fixing the costs, charges and commissions collectible in the court; providing for appeals from the court; providing for the transfer to the court of all cases pending in and judgments rendered by the Civil and Misdemeanors Court of South Talladega County, created by Act No. 235, H. 557, approved July 19, 1951, (Acts 1951, page 507).

Be It Enacted by the Legislature of Alabama:

Section 1. INFERIOR COURT CREATED.—There is hereby created and established in Beats 9, 10, 11, 12, and 13 of Talladega County a court of limited jurisdiction in criminal cases and civil actions at law which shall be known as the Civil and Misdemeanors Court of South Talladega County. The court hereby created shall be in lieu of the Civil and Misdemeanors Court of South Talladega County, created by Act No. 235, H. 557, approved July 19, 1951 (Acts 1951, page 507), which is hereby abolished.

Section 2. JURISDICTION.—(a) Except as provided in subsection (b) of this section, the court shall have and exercise jurisdiction of all actions, causes, matters, proceedings and cases (including bastardy proceedings, actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment), cognizable before circuit courts, county courts, justices of the peace or courts created in lieu thereof and all courts of like jurisdiction. It shall have authority to punish contempts by fine not exceeding twenty-five dollars and imprisonment for not more

than twenty-four hours. It may adopt and enforce rules and regulations relative to pleading, practice and procedure, provided that such rules and regulations are not contrary to the Constitution and laws of the State and law-made rules governing practice and procedure in circuit courts, inferior courts or justices of the peace courts or courts created in lieu thereof.

(b) The court shall not have the power to try persons charged with felonies, nor shall the court have jurisdiction of actions for libel or slander or workmen's compensation cases. It shall not have jurisdiction of any civil action when the amount in controversy exceeds five hundred dollars, nor take cognizance of any matter or proceeding in equity.

Section 3. JUDGE.—(a) The judge who was elected and is serving when this Act becomes effective as judge of the Civil and Misdemeanors Court of South Talladega County, which is hereby abolished, shall be the first judge of the court hereby established and shall hold such office for the remainder of the term for which he was elected judge of the abolished court and until his successor is elected, as hereinafter provided, and has qualified.

(b) At the general election in 1960, and every four years thereafter, a judge of the court hereby created shall be elected by the qualified electors of Beats 9, 10, 11, 12 and 13 of Talladega County. His term of office shall be for four years from the first Monday after the second Tuesday in January next succeeding his election and until his successor is elected and qualified.

(c) The judge shall, before entering upon the discharge of the duties of his office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution in the manner provided by law. No person shall be eligible to the office of judge unless he is at the time of his appointment or election a qualified elector of Talladega County residing within the territorial jurisdiction of the court, learned in the law and licensed to practice law in the State and Talladega County. The judge shall not, during his term of office, act as attorney in any matter that has previously been before the court herein created or is pending before the court, but may practice and appear in all other courts and matters when the amount in controversy in a civil action exceeds five hundred dollars. Neither the judge nor his partner shall practice or appear as counsel in any criminal court in Talladega County in any criminal case in which the offense charged arose within the jurisdiction of the court herein created. Neither the judge nor his partner shall appear as counsel in any civil case in which the amount in controversy is five hundred dollars or less, exclusive of interest, and the cause of action arose within the jurisdiction of the court herein created. The judge shall be subject to the same penalties and obligations as circuit

judges. Vacancies in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution. Before entering upon the duties of his office, the judge shall give bond in such penal sum as may be prescribed by the governing body of Talladega County payable to the county and conditioned upon the faithful performance of the duties of his office. The bond shall be approved by and filed in the office of the Probate Judge of Talladega County. The premiums on the bond shall be paid out of the county treasury.

(d) The judge shall receive an annual salary of four thousand eight hundred dollars payable out of the general fund of the county in equal monthly installments as the salaries of other county officers and employees are paid.

(e) The judge shall have authority to: (1) administer oaths and take acknowledgments; (2) issue search warrants; (3) solemnize marriages; (4) issue writs of ne exeat returnable to a court of proper jurisdiction; (5) exercise such other powers, jurisdiction or authority as may be conferred by law upon judges of inferior courts, county courts or justices of the peace, including that of magistrates on preliminary examinations.

(f) The judge may delegate to his secretary or clerk his administrative authority (1) to administer oaths and to sign and issue any processes of the court, including summonses, subpoenas, writs, executions and releases, but not including warrants and affidavits pertaining thereto; (2) to enter all judgments, orders and decrees of the court.

(g) The judge shall sign all judgment entries entered on the docket as required by law. The dockets and records of this court shall be open to public inspection at all reasonable times.

(h) The judge may, in the event there is no qualified or duly elected or appointed constable within the court's jurisdiction, appoint a suitable person to act without bond as constable, except as hereinafter provided. The person so appointed shall perform the same duties, be liable for the same penalties and be entitled to the same fees and compensation as a regular constable, but he shall not be authorized to levy or collect executions, attachments or writs of detinue unless prior to the levying or collecting of such executions, attachments or writs of detinue he executes a bond in the sum of twice the value of the property to be levied on, payable to the defendant as is required by law with sureties to be approved by the judge.

(i) In case the judge is unable at any time to discharge the duties of his office by reason of sickness, disqualification or other cause, he shall when necessary make or cause to be made a written order to be filed in the court designating and appointing a practicing attorney of the county who is learned in the law as

special judge of the court. The person so appointed shall perform all the duties and exercise all the powers and authority of the judge and shall hold office until the judge resumes his duties. The special judge shall receive for the performance of such duties five dollars for each day he serves as special judge, payable in the same manner and from the same funds as the compensation of the regular judge. Any amount paid to a special judge shall be deducted from the compensation of the regular judge of the court.

Section 4. CLERK.—(a) There shall be a clerk of the court hereby established. The judge of the court, with the approval of the court of county commissioners, board of revenue or other governing body of Talladega County, shall appoint the clerk of the court, who shall, at the time of his appointment and during his continuance in office, be a duly qualified elector of Talladega County who resides within the jurisdiction of the court.

(b) The clerk, before entering upon the duties of his office, shall give bond in such penal sum as may be prescribed by the court of county commissioners, board of revenue or other like county governing body. The bond shall be payable to Talladega County, and shall be conditioned upon the clerk's faithful discharge of the duties of his office. The bond shall be filed in the office of the judge of probate of Talladega County, and the premium thereon shall be paid by the county.

(c) The clerk shall keep a civil and criminal docket and a record of all proceedings had in the court, including a direct and reverse index to all civil cases and proceedings had or pending in the court, and shall perform such other duties as may be placed upon him by the judge. He shall have the authority of a constable, and may execute all writs and other process issued by the court; but the fees collected for such service shall be paid into the general fund in the county treasury.

(d) As compensation for the services required of him by this Act, the clerk of this court shall receive a monthly salary to be paid from the general fund of the county in such amount as is fixed by the judge of the court, with the approval of the court of county commissioners, board of revenue or like governing body of the county.

Section 5. SESSIONS.—(a) The court shall be open for the transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Sessions of the court shall be held at such times and places within the court's jurisdiction, as may be designated by the judge. Provided, however, that at least one civil and one criminal session of the court shall be held each week at Sylacauga for the trial of cases arising in beats numbered 10, 11, and 13 and at least one civil and one criminal session shall be held each week at Childersburg for the trial of cases arising in beats numbered 9 and 12.

(c) The judge shall designate one or more of the constables within the court's territorial jurisdiction, or the special constable appointed by him pursuant to subsection (h) of Section 3 of this Act, to attend, and the constable or constables so designated shall attend the sessions of the court in person. All writs and processes of the court shall be executed by a duly elected and qualified constable within the jurisdiction of the court or by the sheriff of the county.

(d) The constable shall be entitled to the same fees and allowances for serving and executing writs and process in the court as the sheriff is entitled to under the general law for serving and executing like writs and process.

Section 6. SOLICITOR.—It shall be the duty of the circuit solicitor of the judicial circuit embracing Talladega County in addition to all other duties imposed on him by law, to prosecute in criminal cases in the court hereby established; and the same solicitor's fees shall be taxed, and in the same manner, in misdemeanor cases in this court as are taxed for circuit solicitors in the circuit courts of the State. The incumbent circuit solicitor shall not receive any extra or additional compensation for performing the duties hereby imposed on him, but shall be reimbursed for necessary expenses actually incurred by him in attending court, including automobile expenses or other transportation expenses in going to and returning from sessions of the court, in such amount as is approved by the court of county commissioners, board of revenue or other like governing body of Talladega County. After the expiration of the term of office of the incumbent circuit solicitor, the circuit solicitor shall receive, in addition to any and all other compensation allowed him by law, an annual salary of nine hundred dollars, payable in equal monthly installments out of the general fund of Talladega County as the salaries of other county employees are paid, and he shall not be reimbursed for his expenses.

Section 7. PRACTICE AND PROCEDURE.—(a) Except as otherwise provided in this Act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing circuit courts.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint or other processes have been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within seven days and the process issued shall so recite.

(c) In all civil actions at law where the amount in contro-

versy does not exceed one hundred dollars the rules, practice and procedure shall be the same as prescribed by the statutes and rules of practice, procedure and process governing justice of the peace courts, except that the defendant shall have seven days in which to plead, answer or demur to any process issued from the court. It is provided, however, that in cases of forcible entry and unlawful detainer the proceedings shall be had in all respects according to the rules of practice in justice of the peace courts or courts created in lieu thereof.

(d) The judge shall decide all issues of law and fact without the intervention of a jury.

Section 8. COSTS.—(a) For their attendance upon the court witnesses shall be entitled to the same fees and allowances prescribed by law for witnesses in county courts, which fees and allowances shall be taxed, collected and paid in the same manner as fees and allowances are taxed and paid in county courts.

(b) In addition to fees for witnesses, the court shall have authority to tax costs and commissions for the use of the officers of the county as follows: (1) in each civil action at law, if the amount in controversy does not exceed one hundred dollars, the same as in justice courts; (2) in every other civil action at law, the same as in circuit courts; (3) in each criminal case involving an offense of which justices of the peace have final jurisdiction, the same as in justice courts; (4) in every other criminal case, the same as in county courts, including fees as provided in Sections 86 and 87 of Title 11 of the Code of Alabama, 1940, except as provided in Section 9 (b) of this Act.

(c) A trial tax of fifty cents shall be collected for the use of the county in each civil action at law if the amount in controversy does not exceed one hundred dollars. In every other civil action at law and in every criminal case, a trial tax of one dollar shall be collected for use of the county.

Section 9. CRIMINAL PROSECUTIONS.—(a) Prosecutions may be commenced in the court upon a sworn complaint made by the judge of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty, or upon a sworn complaint made as prescribed by Section 327 of Title 13 of the Code of Alabama, 1940. The case shall be docketed for trial and the defendant shall be tried as though he had been indicted by a grand jury. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(b) All warrants issued within the court's jurisdiction for misdemeanors for violations of the rules of the road and other mis-

demeanors defined or provided for in Title 36 of the Code of Alabama, 1940, shall be returnable to the court and shall be tried therein. The court costs in such cases shall be the same as in justice courts.

Section 10. APPEALS.—Any party aggrieved by a judgment, order or ruling of the court may appeal the decision to the circuit court of Talladega County within five days from the entry of a judgment and on the appeal either party may demand, and shall be entitled to a jury trial. Appeals shall be taken in the same manner as provided by law for appeals to the circuit court from judgments of justice courts or courts created in lieu thereof. The trial in the circuit court shall be de novo and according to the same procedure as in appeals from judgments of justice courts or courts created in lieu thereof.

Section 11. TRANSFER OF PENDING CASES.—All cases and actions pending in the Civil and Misdemeanors Court of South Talladega County which was created by Act No. 235, H. 557, approved July 19, 1951 (Acts of 1951, page 507) on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. As to judgments rendered by the abolished court, the court created herein shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 12. SEVERABILITY.—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. REPEALER.—All laws or parts of laws which conflict with this Act are repealed.

Section 14. EFFECTIVE DATE.—This Act shall become effective upon the first day of the calendar month immediately following its passage and approval by the Governor or its otherwise becoming a law.

Approved August 24, 1959.
Time: 9:46 A. M.

Act No. 110

H. 1—Smith (Russell), Pruitt

AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1960 and September 30, 1961, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of

Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureau and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureau and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year, and the money appropriated therefor shall be expended only for such purposes, and the total amounts herein appropriated therefor shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of any items of personal property.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for each of the two fiscal years ending September 30, 1960 and September 30, 1961 respectively; and, except as may be otherwise expressly provided, the appropriations herein made in Sections 3 to 13, inclusive, shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. DEPARTMENT OF EDUCATION

A. For the Department of Education:

For the fiscal year ending September 30, 1960:

For the salary of the State Superintendent	\$ 10,000.00	
For other salaries	332,540.00	
For other expenses	208,000.00	
For equipment purchases	1,800.00	
For transfer to State Personnel Department	4,676.00	
Total		\$ 557,016.00
For the fiscal year ending September 30, 1961:		
For the salary of the State Superintendent	10,000.00	
For other salaries	333,540.00	
For other expenses	184,696.00	
For equipment purchases	1,800.00	
For transfer to State Personnel Department	4,676.00	
Total		534,712.00
B. To the Department of Education for Plans and Surveys:		
For the fiscal year ending September 30, 1960:		
For salaries	18,568.00	
For other expenses	3,000.00	
Total		21,568.00
For the fiscal year ending September 30, 1961:		
For salaries	18,640.00	
For other expenses	3,000.00	
Total		21,640.00
C. National Defense Education Program		75,000.00
Section 4. STATE BOARD OF EDUCATION:		
A. Agricultural and Mechanical Institute at Normal, Alabama:		
For the fiscal year ending September 30, 1960:		
For the operation and maintenance of the Institute		886,694.00
For the fiscal year ending September 30, 1961:		
For the operation and maintenance of the Institute		889,500.00

B. Alabama State College for Negroes:

For the fiscal year ending September 30, 1960:
 For the operation and maintenance of the College 1,078,411.00

For the fiscal year ending September 30, 1961:
 For the operation and maintenance of the College 1,081,935.00

C. Civilian Rehabilitation:

For the fiscal year ending September 30, 1960:
 For the rehabilitation of handicapped individuals 671,012.00

For the fiscal year ending September 30, 1961:
 For the rehabilitation of handicapped individuals 673,204.00

(No administrative costs included herein)

D. Elementary Teachers' Scholarship Fund 25,000.00

E. Free Textbooks:

For the fiscal year ending September 30, 1960:

For salaries	18,370.00
For other expenses	13,630.00
For purchase of free textbooks	803,660.00

Total 835,660.00

For the fiscal year ending September 30, 1961:

For salaries	18,370.00
For other expenses	13,630.00
For purchase of free textbooks	806,634.00

Total 838,634.00

The above appropriation shall be expended by the State Board of Education for the purpose of furnishing free textbooks in the tax supported public elementary schools of the State in accordance with the statutes and regulations of the Board in regard thereto.

F. Minimum Program Fund:

In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1960, the sum of \$102,079,330.00 and for the fiscal year ending September 30, 1961, the sum of \$105,534,975.50 to be

known as the Minimum Program Fund, which, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided that \$1,964,584.00 or so much thereof as may be necessary of the above appropriations for each year shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year; provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education, shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all moneys earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

G. Physical Restoration of Crippled Children:

For the fiscal year ending September 30, 1960:

For salaries.....	\$ 50,000.00
For other expenses.....	18,000.00
For reimbursements to local boards for district offices.....	15,000.00
Handicapped Individuals.....	492,153.00

Total	575,153.00
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For the fiscal year ending September 30, 1961:

For salaries.....	50,000.00
For other expenses.....	18,000.00
For reimbursements to local boards for district offices.....	15,000.00
Handicapped Individuals.....	494,032.00

Total	577,032.00
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H. Regional Education:

For the fiscal year ending September 30, 1960.....	80,282.00
For the fiscal year ending September 30, 1961.....	80,544.00

I. Student Aid in Graduate and Professional fields:

For the fiscal year ending September 30, 1960.....	91,066.00
For the fiscal year ending September 30, 1961.....	91,363.00

J. The Teachers Colleges:

(a) State Teachers College at Florence	95,500.00
(b) State Teachers College at Jacksonville	95,500.00
(c) State Teachers College at Livingston	88,500.00
(d) State Teachers College at Troy.....	88,500.00

K. Teachers Training Equalization Fund:

For the teachers training program at State Teachers Colleges at Florence, Jacksonville, Livingston and Troy,	
For the fiscal year ending September 30, 1960.....	2,339,913.00
For the fiscal year ending September 30, 1961.....	2,515,860.00

L. Vocational Education:

For the fiscal year ending September 30, 1960:	
For salaries.....	\$ 30,000.00
For other expenses.....	21,000.00
For equipment purchases.....	1,500.00
Disbursements to Local Boards and Institutions	4,980,087.00
Total	5,032,587.00

For the fiscal year ending September 30, 1961:	
For salaries.....	30,000.00
For other expenses.....	21,000.00
For equipment purchases.....	1,500.00
Disbursements to Local Boards and Institutions	4,996,931.00
Total	5,049,431.00

For each of the fiscal years ending September 30, 1960, and September 30, 1961, to match federal funds made available for technical education.....	63,500.00
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M. Vocational Trade Schools:

For the fiscal year ending September 30, 1960:

For operation and maintenance:

(a) Alabama School of Trades.....	251,568.70
(b) George C. Wallace at Napier.....	270,315.20
(c) J. P. Shelton at Tuscaloosa.....	214,777.45
(d) Mobile	218,658.05
(e) Tennessee Valley at Decatur.....	365,183.24
(f) Wenonah	192,925.98

For the fiscal year ending September 30, 1961:

For operation and maintenance:

(a) Alabama School of Trades.....	252,273.70
(b) George C. Wallace at Napier.....	271,051.20
(c) J. P. Shelton at Tuscaloosa.....	215,356.45
(d) Mobile	219,284.05
(e) Tennessee Valley at Decatur.....	365,935.24
(f) Wenonah	193,504.98

Section 5. BOARD OF TRUSTEES OF ALABAMA BOYS' INDUSTRIAL SCHOOL:

For the operation and maintenance of the Alabama Boys' Industrial School.....

280,000.00

Section 6. BOARD OF TRUSTEES OF ALABAMA COLLEGE:

For the fiscal year ending September 30, 1960:

For the operation and maintenance of the College

730,184.00

For the fiscal year ending September 30, 1961:

For the operation and maintenance of the College

732,440.00

Section 7. ALABAMA EDUCATIONAL TELEVISION COMMISSION:

For the fiscal year ending September 30, 1960:

For salaries.....	\$ 118,000.00
For other expenses.....	120,000.00
For equipment purchases.....	16,026.00

Total

254,026.00

For the fiscal year ending September 30, 1961:

For salaries.....	118,800.00
For other expenses.....	120,000.00
For equipment purchases.....	16,056.00

Total

254,856.00

Section 8. BOARD OF TRUSTEES OF ALABAMA INDUSTRIAL SCHOOL FOR NEGROES:

For the fiscal year ending September 30, 1960:	
For operation and maintenance of the Alabama Industrial School for Negroes	211,000.00
For the fiscal year ending September 30, 1961:	
For operation and maintenance of the Alabama Industrial School for Negroes	211,000.00

Section 9. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

For the fiscal year ending September 30, 1960:	
For operation and maintenance of the school	853,824.00
For salaries and expenses incident to instruction of Adult Blind	119,823.00
For the fiscal year ending September 30, 1961:	
For operation and maintenance of the school	856,614.00
For salaries and expenses incident to instruction of Adult Blind	120,215.00

Section 10. BOARD OF TRUSTEES OF ALABAMA POLYTECHNIC INSTITUTE:

A. The College:

For the fiscal year ending September 30, 1960:	
(1) For operation and maintenance	4,831,619.00
(2) For operation and maintenance of Farm Machinery Building	14,378.00
(3) Engineering Experiment Station	100,651.00
(4) Television Education	110,237.00
(5) For instruction in forestry and training for agricultural students	54,447.00
For the fiscal year ending September 30, 1961:	
(1) For operation and maintenance	4,944,424.00
(2) For operation and maintenance of Farm Machinery Building	14,425.00
(3) Engineering Experiment Station	100,980.00
(4) Television Education	110,598.00
(5) For instruction in forestry and training for agricultural students	54,626.00

B. Extension Work for Agriculture and Home Economics:

For the fiscal year ending September 30, 1960:

- | | |
|---|--------------|
| (1) For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services | 1,320,130.00 |
| (2) For extension service marketing specialists, for salaries and expenses..... | 95,860.00 |

For the fiscal year ending September 30, 1961:

- | | |
|---|--------------|
| (1) For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services | 1,359,818.00 |
| (2) For extension service marketing specialists, for salaries and expenses..... | 96,172.00 |

The appropriation herein made for the Extension Service shall be expended under the direction of the Board of Trustees of the Alabama Polytechnic Institute through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

C. Agricultural Research:

For the fiscal year ending September 30, 1960:

- | | |
|---|------------|
| (1) Alabama Agricultural Experiment Station at Auburn, for work and experimentation..... | 860,947.00 |
| (2) For floriculture and ornamental horticulture study and research | 25,000.00 |
| (3) Tennessee Valley Branch Station located at Bell Mina in Limestone County..... | 25,000.00 |
| (4) Sand Mountain Branch Station located at Crossville in DeKalb County | 25,000.00 |
| (5) Black Belt Branch Station located at Marion Junction in Dallas County..... | 25,000.00 |
| (6) Wiregrass Branch Station located at Headland in Henry County | 25,000.00 |
| (7) Gulf Coast Branch Station located at Fairhope in Baldwin County | 25,000.00 |

(8) Piedmont Experiment Branch Station	25,000.00
(9) Upper Coastal Plains Branch Station	25,000.00
(10) Lower Coastal Plains Branch Station	25,000.00
(11) For the support of researches and experiment on experiment fields	38,500.00
(12) Horticultural Branch Station in Chilton County	25,000.00
(13) Horticultural Branch Station in North Alabama	25,000.00
(14) Wiregrass Experiment Station at Headland, Alabama	13,500.00

(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and research in developing methods of producing, harvesting, marketing, and processing peanuts and preventing damage to peanut crops.)

(15) Co-operative research at the Agricultural and Experimental Substations	90,000.00
(16) Research in Forestry	60,000.00

For the fiscal year ending September 30, 1961:

(1) Alabama Agricultural Experiment Station at Auburn, for work and experimentation	885,947.00
(2) For floriculture and ornamental horticulture study and research	25,000.00
(3) Tennessee Valley Branch Station located at Bell Mina in Limestone County	25,000.00
(4) Sand Mountain Branch Station located at Crossville in DeKalb County	25,000.00
(5) Black Belt Branch Station located at Marion Junction in Dallas County	25,000.00
(6) Wiregrass Branch Station located at Headland in Henry County	25,000.00
(7) Gulf Coast Branch Station located at Fairhope in Baldwin County	25,000.00

(8) Piedmont Experiment Branch Station	25,000.00
(9) Upper Coastal Plains Branch Station	25,000.00
(10) Lower Coastal Plains Branch Station	25,000.00
(11) For the support of researches and experiment on experiment fields	38,500.00
(12) Horticultural Branch Station in Chilton County	25,000.00
(13) Horticultural Branch Station in North Alabama	25,000.00
(14) Wiregrass Experiment Station at Headland, Alabama	13,500.00

(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and re-research in developing methods of producing, harvesting, marketing, and processing peanuts and preventing damage to peanut crops.)

(15) Co-operative research at the Agricultural and Experimental Substations	100,000.00
(16) Research in Forestry	65,000.00

That all research work and experimentation contemplated by the spirit and purpose of this sub-Section (C) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of the Alabama Polytechnic Institute, who shall make a complete report to the Board of Trustees of the Alabama Polytechnic Institute for each of the fiscal years ending September 30, 1960 and September 30, 1961.

The funds provided in this sub-section (C) shall be used for the support of researches, experiments, and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products: for the production, marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants, for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and

problems arising from the waste of land due to soil erosion; for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

**Section 11. BOARD OF CONTROL
OF THE TEACHERS' RETIREMENT SYSTEM:**

For the fiscal year ending September 30, 1960:	
For the Teachers' Retirement System.....	5,950,000.00
For the Teachers' Special Pension Fund, estimated	1,385,000.00
For the fiscal year ending September 30, 1961:	
For the Teachers' Retirement System.....	6,150,000.00
For the Teachers' Special Pension Fund, estimated	1,625,000.00

The above appropriations shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund and Teachers' Special Fund.

**Section 12. BOARD OF TRUSTEES OF THE
STATE TRAINING SCHOOL FOR GIRLS:**

For the operation and maintenance of the State Training School for Girls.....	160,000.00
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**Section 13. BOARD OF TRUSTEES OF THE
UNIVERSITY OF ALABAMA:**

A. The University:

For the fiscal year ending September 30, 1960:	
(1) For operation and maintenance.....	5,209,926.00
(2) For School of Nursing.....	129,430.00
(3) For Tuberculosis Nursing (Education).....	23,964.00
(4) For Research and Extension.....	287,576.00
(5) For State Scholarship Program for students in School of Nursing under the provisions of Act No. 591, Regular Session, 1957.....	13,400.00

For the fiscal year ending September 30, 1961:

(1) For operation and maintenance	5,395,250.00
(2) For School of Nursing	129,832.00
(3) For Tuberculosis Nursing (Education)	24,043.00
(4) For research and Extension	288,516.00
(5) For State Scholarship Program for students in School of Nursing under the provisions of Act No. 591, Regular Session, 1957	13,400.00

E. The University of Alabama Medical Center:

For the fiscal year ending September 30, 1960:

(1) For the Medical College and School of Nursing, for maintenance and operation	\$ 1,437,882.00
(2) For expense to University Hospital and Hillman Clinic for indigent patient treatment during instruction of medical students	637,461.00
(3) For the School of Dentistry, for maintenance and operation	814,780.00

For the fiscal year ending September 30, 1961:

(1) For the Medical College and School of Nursing, for maintenance and operation	1,442,580.00
(2) For expense to University Hospital and Hillman Clinic for indigent patient treatment during instruction of medical students	639,544.00
(3) For the School of Dentistry, for maintenance and operation	817,462.00

The above appropriations for the Alabama Medical Center shall be expended pursuant to the provisions of Act No. 89, 1943 Acts, page 89, and Act No. 207, Section 9, 1945 Acts, page 325.

Section 14. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, upon the approval by the Governor, shall issue his warrant therefor; provided, that all appropriations and funds made available to the Alabama College, the University of Alabama, the Alabama Polytechnic Institute, the Institute for the Deaf and Blind, the Boys' Industrial School, the Alabama Industrial School for Negroes, the State Training School for Girls, the Alabama Educational Television Commission and for the Teachers' Retirement System by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 15. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provisions, or portion of this

Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 16. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1959.

Time: 3:00 P. M.

Act No. 111

H. 2—Smith (Russell), Pruitt

AN ACT

To make an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering, veterinary medicine, nursing, home economics and agriculture.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the State Superintendent of Education for the fiscal year ending September 30, 1960, the sum of \$383,435.00 and for the fiscal year ending September 30, 1961, the sum of \$384,688.00, from any funds in the Alabama Special Educational Trust Fund, not otherwise appropriated, to be released upon the approval of the Governor, for the purpose of contracting with Tuskegee Institute for: (a) undergraduate and graduate instruction of Alabama residents in engineering and veterinary medicine; (b) undergraduate four year professional course leading to the Bachelor of Science degree in nursing; and (c) graduate instruction in home economics and agriculture. The State Superintendent of Education shall negotiate contracts and expend the appropriations in accordance with those rules and regulations promulgated by the State Board of Education in compliance with House Bill 34 enacted by the Legislature at the special session which convened June 24, 1959: Provided, that of those students seeking a degree in nursing, only those who enter into agreements with the State Superintendent of Education to practice their profession of nursing within the State of Alabama for at least two years after their graduation shall be aided by any funds provided by this Act.

Section 2. This Act shall become effective on October 1, 1959.

Approved August 24, 1959.

Time: 9:47 A. M.

Act No. 112

H. 3—Smith (Russell), Pruitt

AN ACT

To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1960, the sum of \$14,378.00, and for the fiscal year ending September 30, 1961, the sum of \$14,425.00, out of funds in the Alabama Special Educational Trust Fund to the Alabama Vocational School for Girls located at Birmingham, Alabama, to be used for the support and maintenance of said school.

Section 2. This Act shall become effective on October 1, 1959.

Approved August 24, 1959.

Time: 9:48 A. M.

Act No. 113

H. 4—Smith (Russell), Pruitt

AN ACT

To make an appropriation for the support and maintenance of the Southern Industrial Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1960, the sum of \$33,550.00 and for the fiscal year ending September 30, 1961, the sum of \$33,660.00, out of funds in the Alabama Special Educational Trust Fund to the Southern Industrial Institute located at Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. This Act shall become effective on October 1, 1959.

Approved August 24, 1959.

Time: 9:48 A. M.

Act No. 114

H. 5—Smith (Russell), Pruitt

AN ACT

To make an appropriation for the support and maintenance of the Walker County Junior College, located at Jasper, in Walker County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1960, the sum of \$35,000.00 and for the fiscal year ending September 30, 1961, the sum of \$35,000.00, out of

funds in the Alabama Special Educational Trust Fund, for the use and benefit of the Walker County Junior College, located at Jasper, in Walker County, Alabama, which sums shall be used for the support and maintenance of said college. The appropriations herein made shall be expended on warrants of the State Comptroller and upon vouchers or requisitions signed by the chief executive officer of Walker County Junior College and approved by the Governor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1959.

Time: 9:49 A. M.

Act No. 115

H. 6—Smith (Russell), Pruitt

AN ACT

To amend Section 369 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 369 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 369 METHOD OF FINANCING.—Effective October 1, 1955 all of the assets of the retirement system shall be credited according to the purpose for which they are held among five funds, namely: the annuity savings fund, the annuity reserve fund, the pension accumulation fund, the pension reserve fund, and the expense fund. The operation of the former pension fund shall be discontinued as of such date and an amount equal to the pension reserve on all pensions, and benefits in lieu thereof, in effect as of that date and payable theretofore from the pension fund shall be transferred to the pension reserve fund and an amount equal to the balances of the reserves held in said former fund shall be transferred to the pension accumulation fund.

(1) (a) The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Contributions to and payments from the annuity savings fund shall be made as follows:

(b) Each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period three and one-half per centum of his earnable compensation. In determining the amount earnable by a member in a payroll period, the Board of Control may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if a teach-

er was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per cent of the annual compensation upon the basis of which such deduction is to be made. (c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deduction made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this chapter. The employer shall certify to the board of control on each and every payroll or in such other manner as the board may prescribe, the amounts to be deducted; and each of said amount shall be deducted, and when deducted shall be paid into the annuity savings fund, and shall be credited together with regular interest thereon, to the individual account of the member from whose compensation said deduction was made. (d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the board of control, any member may re-deposit in the annuity savings fund by a single payment or by an increased rate of contribution an amount equal to the total amount which he previously withdrew therefrom as provided in this chapter, or any part thereof; or any member may deposit therein by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity which, together with his prospective retirement allowance, will provide for him a total retirement allowance of not to exceed one-half of his average final compensation at age sixty. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value and shall not be considered in computing his pension. The contributions and interest credits of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death, shall be paid from the annuity savings fund. Should a member cease to be a member other than by retirement under the provisions of this chapter, an amount equivalent to the difference, if any, between his accumulated contributions and the amount then paid shall be transferred to the expense fund. Upon the retirement of a member his accumulated contributions shall be transferred from the annuity savings fund to the annuity reserve fund. (e) Notwithstanding the preceding provisions, no deductions shall be made from any member's salary on account of which the employer's contribution is

in default. (2) The annuity reserve fund shall be the fund in which shall be held the reserves on all annuities in force and from which shall be paid all annuities and all benefits in lieu of annuities. Should a beneficiary again become a member of the retirement system, his annuity reserve shall be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein. Should a beneficiary again become a teacher, his annuity reserve may be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein. (3) (a) The pension accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by employers. Contributions to and payments from the pension accumulation fund shall be made as follows: (b) On account of each member there shall be paid annually into the pension accumulation fund by employers for the preceding fiscal year an amount equal to a certain percentage of the earnable compensation of each member to be known as the "normal contribution" and until the accrued liability has been liquidated, an additional amount equal to a percentage of his earnable compensation to be known as the "accrued liability contribution". (c) The accrued liability shall be computed by the actuary at the time of the first actuarial valuation of the system following October 1, 1953 as the unfunded cost of all benefits based on service prior to that date. Immediately after computing the accrued liability, the actuary shall determine the accrued liability contribution rate by calculating the amount which, if paid each year during the twenty-year period immediately following October 1, 1953, would liquidate such accrued liability, and dividing such amount by one percent of the total earnable compensation of all members. (d) The Actuary engaged by the board to make each valuation required by this chapter shall, immediately after making such valuation, determine the normal contribution rate by deducting from the total liabilities of the pension accumulation fund, the amount of the funds in hand to the credit of that fund plus the amount of the unfunded portion of the accrued liability, and dividing the remainder by one percent of the present value of the prospective future salaries of all members. (e) All interest and dividends earned on the funds of the retirement system shall be credited to the pension accumulation fund. The amounts needed to allow regular interest on the reserves in the annuity savings fund, the annuity reserve fund, and the pension reserve fund shall be transferred in accordance with the provisions of this chapter to the respective funds from the pension accumulation fund. The board of control, in its discretion, may transfer to and from the pension accumulation fund the amount of any surplus or deficit which may develop in the annuity savings fund, the annuity reserve fund, the pension reserve fund, or the expense fund. (f) Upon the retirement of a member an amount

equal to his pension reserve shall be transferred from the pension accumulation fund to the pension reserve fund. (4) The pension reserve fund shall be the fund in which shall be held the reserves on all pensions granted to members and from which such pensions and benefits in lieu thereof shall be paid. Should a beneficiary receiving a pension from the pension reserve fund again become a member of the retirement system, his pension reserve shall be transferred from the pension reserve fund to the pension accumulation fund. Should the pension payable from the pension reserve fund be reduced as a result of an increase in the earning capacity of a disability beneficiary, the amount of such annual reduction in his pension shall be paid annually into the pension accumulation fund during the period of such reduction. (5) The expense fund shall be the fund from which the expenses of the administration of the retirement system shall be paid, exclusive of amounts payable as retirement allowances and as other benefits provided herein. Any amounts credited to the accounts of members withdrawing or dying before retirement and not returnable under the provisions of subsection (3) of section 366 of this title shall be credited to the expense fund. Any additional contributions required to meet the expense of the retirement system shall be made as provided in subsection (6), paragraph (c), of this section. (6) (a) On or before October 1 of each year, each county and city board of education, the state board of education, the governing boards of the University of Alabama, the Alabama Polytechnic Institute, and Alabama College, and the executive committee of the Alabama Education Association shall file with the board of control of the retirement system a certified statement containing the following information concerning the members of the retirement system employed by such boards for the scholastic year beginning on July first preceding said date: Name, address, monthly salary, annual salary, and such other information as the board of control may require. On or before July thirty-first of each year, each county and city board of education; the state board of education; the governing boards of the University of Alabama, the Alabama Polytechnic Institute, and Alabama College; and the executive committee of the Alabama Education Association shall file with the board of control of the retirement system a certified statement containing the following information concerning members of the retirement system employed by such boards during the scholastic year ending on June thirtieth preceding said date: Name, address, monthly salary actually paid, total annual salary actually paid, and such other information as the board of control may require. (b) The collection of members' contributions shall be as follows: Each county and city board of education; the state board of education, the governing boards of the University of Alabama, the Alabama Polytechnic Institute, and Alabama College; and the executive committee of the Alabama Education Association shall cause to be

deducted on each and every payroll period subsequent to the date of the establishment of the retirement system the contributions payable by each member as provided in this chapter. Each employer shall transmit monthly, or at such time as the board of control shall designate, the total amount so deducted to the secretary-treasurer of the board of control accompanied by an itemized statement of the contributions of each individual member of the retirement system. The secretary-treasurer of the board of control after making a record of all such receipts shall transmit the same to the state treasurer to be held for use according to the provisions of this chapter. Notwithstanding anything in this section, the board of control may modify the form of reports required of employers, and may modify the method of collecting the contributions of members so that employers may retain the amounts so deducted and have a corresponding amount deducted from funds otherwise payable to them. (c) The employers' contributions shall be made by appropriation from the Alabama Special Educational Trust Fund. The appropriation shall be in an amount to be determined as follows: on or before the first day of February next preceding each regular meeting of the Legislature, the Board of Control shall certify to the Governor the amount calculated as a percentage of the salaries of teachers to be contributed by the State as employer for each year of biennium next following to each of the funds of the retirement system in accordance with subsections (3) and (5) of this section. These amounts shall be included in the appropriation bill which is submitted to the Legislature. The Board of Control shall certify to the State Comptroller one quarter of the annual amount appropriated in each quarter of the fiscal year and he shall draw a warrant or warrants for the amounts due the retirement system to be deposited with the State Treasurer.

Section 2. This Act shall take effect on October 1, 1959.

Approved August 24, 1959.

Time: 9:50 A. M.

Act No. 116

H. 7—Smith (Russell), Pruitt, Callahan

AN ACT

To provide old age assistance to any teacher who served a minimum of thirty years as a teacher in the public schools of Alabama and who had attained age sixty as of the date of establishment of the Teachers' Retirement System, September 1, 1941, and who is not and never has been eligible for membership in the Teachers' Retirement System, and to provide old age assistance to any teacher who served a minimum of thirty years as a teacher in the public schools of Alabama, who had attained age 70 as of July 1, 1951 and who was not eligible to become a member of the Teachers' Retirement System as of July 1, 1951, and to provide a supplement to the retirement benefits of certain teachers who are now or will be retired under the provisions of Chapter 14 of Title 52

of the Code of Alabama of 1940 as amended; to set forth the requirements under which said assistance payments shall be granted and to provide for the management of the fund from which said assistance payments shall be made; to repeal Act No. 292 approved August 16, 1957 relating to provisions for old age assistance to teachers; and to provide the appropriation necessary to carry out the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided (1) an annual benefit in equal monthly installments for old age assistance to any teacher who served a minimum of thirty years as a teacher in the public schools of Alabama, who had attained age sixty as of the date of establishment of the Teachers' Retirement System, September 1, 1941, and who is not and never has been eligible for membership in the Teachers' Retirement System; and, provided further, that any teacher who served a minimum of thirty years prior to September 1, 1941 and whose employment as a teacher was terminated by reason of physical or mental disability prior to September 1, 1941 shall be eligible to qualify for the benefits as defined in this act upon attaining the age of sixty years upon the approval of the Medical Board of the Retirement System of the application of such disabled teacher; and (2) there is further provided an annual benefit in equal monthly installments for old age assistance to any teacher who served a minimum of thirty years as a teacher in the public schools of Alabama, who had attained age seventy as of July 1, 1951 and who was not eligible to become a member of the Teachers' Retirement System as of July 1, 1951 and (3) there is further provided a supplement payable in equal installments to the retirement allowance of any teacher who was retired on or before January 1, 1956 by the Board of Control of the Teachers' Retirement System under the provisions of Chapter 14, Title 52 of the Code of Alabama of 1940 as amended; provided the monthly retirement allowance of such teacher plus the supplement provided by this act shall not exceed \$99.00; and (4) there is further provided a supplement payable in equal installments to the retirement allowance of any teacher retired subsequent to January 1, 1956 by the Board of Control of the Teachers' Retirement System under the provisions of Chapter 14, Title 52 of the Code of Alabama of 1940 as amended; provided the monthly retirement allowance of such teacher plus the supplement provided by this act shall not exceed \$68.75.

Section 2. BENEFITS—(1) Any person approved by the Board of Control of the Teachers' Retirement System for old age assistance as provided in Section 1, subsection (1) and (2) of this act shall be eligible to receive a monthly retirement benefit of \$99.00. (2) Any person approved by the Board of Control of the Teachers' Retirement System for a benefit payable under Section 1, Subsection (3) of this act shall be eligible to receive a supplement to his regular retirement allowance in an amount which will provide him with a minimum retirement allowance

of \$3.30 per month for each year of creditable service as a teacher in the Alabama public schools up to 30 years of such service.

(3) Any person approved by the Board of Control of the Teachers' Retirement System for a benefit payable under Section 1, Subsection (4) of this act shall be eligible to receive a supplement to his regular retirement allowance in an amount which will provide him with a minimum retirement allowance of \$2.75 per month for each year of creditable service as a teacher in the Alabama public schools up to 25 years of such service.

Section 3. (1) Any person retired by the Board of Control of the Teachers' Retirement System on or before January 1, 1956 for a disability benefit payable under the provisions of Chapter 14 of Title 52 of the Code of Alabama of 1940 as amended shall be eligible to receive a supplement to his disability retirement allowance, which will provide him with a minimum retirement allowance of seventy-five per cent of \$3.30 per month for each year of creditable service as a teacher in the Alabama public schools up to 30 years of such service. (2) Any person retired by the Board of Control of the Teachers' Retirement System subsequent to January 1, 1956 for a disability benefit payable under the provisions of Chapter 14 of Title 52 of the Code of Alabama of 1940, as amended, shall be eligible to receive a supplement to his disability retirement allowance, which will provide him with a minimum retirement allowance of seventy-five per cent of \$2.75 per month for each year of creditable service as a teacher in the Alabama public schools up to 25 years of such service.

Section 4. The Board of Control of the Teachers' Retirement System of Alabama shall administer all the benefits provided by this act under such rules and regulations as the said Board of Control may adopt, not inconsistent herewith. Should it appear to the Board of Control of the Teachers' Retirement System of Alabama that during any fiscal year the total amount of the benefits provided by this act exceeds the amount appropriated for this purpose, the State Comptroller is hereby directed and empowered to provide from the Alabama Special Educational Trust Fund an amount that will be sufficient to carry out the provisions of this act.

Section 5. The Board of Control of the Teachers' Retirement System of Alabama shall determine annually the amount required to pay the cost of the benefits provided in this act, and shall certify such amount not to exceed the amount appropriated for this purpose to the State Comptroller. The State Comptroller shall set this amount up annually as payable to the Board of Control of the Teachers' Retirement System for the purposes herein defined.

Section 6. The payments of all benefits provided in this act shall be made by the State Treasurer on warrants drawn by the

State Comptroller upon the requisition issued by the Board of Control of the Teachers' Retirement System of Alabama.

Section 7. No provisions of this act shall have the effect of reducing the retirement allowance of any person receiving retirement benefits prior to the effective date of this act.

Section 8. In addition to any amounts hereinbefore appropriated, there is hereby appropriated to the Board of Control of the Teachers' Retirement System out of any funds in the Special Educational Trust Fund the sum of \$185,000.00 for the fiscal year ending September 30, 1960 and the sum of \$225,000.00 for the fiscal year ending September 30, 1961, for the purpose of carrying out the provisions of this act.

Section 9. Act No. 292 approved August 16, 1957, relating to rules and regulations with regard to providing old age assistance to teachers is hereby expressly repealed.

Section 10. This act shall become effective on October 1, 1959.

Approved August 24, 1959.

Time: 9:51 A. M.

Act No. 117

H. 127—Pierce, Goldthwaite, Bailey,
Goodwyn, Boyd

AN ACT

To amend Sections 364 and 366 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 364 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 364 MEMBERSHIP.—The membership of the retirement system shall consist of the following: All persons who shall become teachers after the date of establishment shall become members of the retirement system as a condition of their employment. Any person who is a teacher on the date of establishment shall become a member as of that date unless within a period of ninety days next following such teachers shall file with the Board of Control on a form prescribed by the Board a notice of his election not to be covered in the membership of the system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system. Any member of the Retirement System, or any retired teacher, who previously was not eligible to receive credit for the school year 1941-42, although employed in the public schools of Alabama that year, may now receive this credit, provided said teacher pays to the treasurer of the said

retirement system on or before April 30, 1960 the sum equal to the contributions which he would have made had he been a member during the year 1941-42. The Board of Control may, in its discretion, deny the right to become members to any class of teachers whose compensation is only partly paid by the state or who are serving on a temporary or other than per annum basis, and it also may, in its discretion, make optional with members in any such class their individual entrance into the retirement system. Should any member in any period of six consecutive years after becoming a member be absent from service more than five years, or withdraws his contributions, as provided in subsection (3) of Section 366 of this title, or retire or die, he shall thereupon cease to be a member, provided that the Board of Control may continue the membership of a member entering directly into the armed forces of the United States if he does not withdraw his contributions as provided in subsection (3) of Section 366 of this title. Anything in this chapter to the contrary notwithstanding, if any member enters directly into the armed forces of the United States and does not withdraw his contributions, as provided in subsection (3) of Section 366 of this title, and if he returns to service as a teacher within one year and six months after having been honorably discharged from the armed forces, (time spent in Institutions of Higher Learning as a full time college student under such criteria as may be established by the Board of Control shall be excluded in limiting time for return to service.) membership service credit may be granted by the Board of Control for the period of such service in the armed forces provided that upon his subsequent return to service as a teacher he elects to make up his contributions for the period of his service in the armed forces by authorizing in writing special contributions to be deducted from his salary in such amounts as will make up such contributions before the end of a period equal to the length of his service in the armed forces, or before the attainment of age sixty, whichever occurs first, on the basis of his rate of earnable compensation at the time his service in the armed forces commenced, provided that effective February 1, 1960, such members cannot receive credit for more than four years of military service. Any teacher who entered directly into the armed forces of the United States after August 27, 1940, but prior to September 1, 1942, without having become a member and who returns to service as a teacher within one year and six months after having been honorably discharged from the armed forces (time spent in Higher Educational Institutions to improve teaching ability shall be excluded in time limitation for return to service) and who elects to become a member within ninety days thereafter may be deemed by the Board of Control to be a member at establishment and be entitled to credit for prior service including service in the armed forces up to the date of establishment of the retirement system, and to credit for membership

service for the period of his service in the armed forces after the date of establishment of the retirement system under the same conditions as credit for membership service is allowed members entering into the armed forces after the date of establishment. No benefit under the retirement system other than the return of contributions as provided in subsection (3) of Section 366 of this title shall become payable to or on account of any member while he is not in service as a teacher, if the creditable service of such member is less than the number of years established by the Board of Control as a minimum requirement for deferred benefits, or unless the member withdraws from service after reaching age sixty. Anything in this chapter to the contrary notwithstanding, any member having the number of years of creditable service established by the Board of Control as a minimum requirement for deferred benefits shall be eligible to continue in the membership of the system until he files application for service retirement in accordance with the provisions of Section 366 of this title.

Section 2. That Section 366 of Title 52 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

S. 366 BENEFITS.—(1) (a) Any member who withdraws from service upon or after attainment of age sixty, may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired. (b) Any member who has attained age sixty may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided, that the said member at the time so specified for his retirement shall have the required number of years of creditable service as determined by the Board of Control. Provided further, that the number of years determined by the Board of Control for deferred retirement shall be not less than ten years nor more than twenty-five years of creditable service. (c) Any member in service who has attained age seventy shall be retired forthwith, provided, that with the approval of his employer, he may remain in service until the end of the school year following the date on which he attains age seventy. (2) Upon retirement from service a member shall receive a service retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and (b) a pension which shall be equal to the annuity allowable at age of retirement, but not to exceed an annuity allowable at age sixty-five computed on the basis of contributions made prior to the attainment of age sixty-five; and (c) if he has a prior service certificate in full

force and effect an additional pension which shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of the members that was received during such prior service, the board of control may use for the purposes of this chapter the compensation rates which, if they had progressed with the rates of salary increase shown in the tables as prescribed in section 367, subsection (13), of this title, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received. (2 $\frac{1}{4}$) Upon the application of a member in service or of his employer, any member who has had ten or more years of creditable service may be retired by the Board of Control, on a disability retirement allowance not less than thirty nor more than ninety days next following the date of filing such an application; provided that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (2 $\frac{1}{2}$) Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty, otherwise he shall receive a disability retirement allowance which shall consist of: (a) an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and (b) a pension which shall be equal to seventy-five per centum of the pension that would have been payable upon service retirement at age sixty had the member continued in service to said age without change in compensation. (2 $\frac{3}{4}$) (a) Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three year period thereafter, the Board of Control may, and upon his application shall require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician of or designated by the medical board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the Board of Control. (b) Should the medical board report and certify to the Board of Control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average

final compensation, and should the Board of Control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation. (3) (a) Should a member cease to be a teacher except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) Should a member die before retirement, the amount of his contributions with such interest as would have been returnable in the case of withdrawal as provided in paragraph (a) of this subsection shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Control. (4) With the provision that no election of an option shall be effective in case a beneficiary dies within thirty days after retirement or within thirty days after filing such election, and that such a beneficiary shall be considered as an active member at the time of death, until the first payment on account of any benefit becomes normally due any member may elect to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent at that time of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that:

Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to

such person as he shall nominate by written designation duly acknowledged and filed with the Board of Control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the Board of Control. (5) (a) Should any beneficiary be restored to active service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member, nor shall he make contributions. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the retirement system and shall make contributions. (6) In the case of those who have retired prior to the effective date of this act and who are receiving retirement benefits based upon the provisions of law enacted prior to the effective date of this act, the Board of Control shall revise the benefits such persons are thereafter entitled to receive by re-calculating as of the date of their retirement the additional pensions that may be provided by the provisions of this section.

Section 3. This Act shall become effective immediately upon its passage or approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1959.

Time: 9:52 A. M.

Act No. 118

H. J. R. 33—Ingram, Hocklander

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the intent of the Legislature with regard to allocation for salary allotments from the Minimum Program Fund appropriation shall be as follows:

1. Funds have been appropriated that will provide an increase in the State's contribution to teachers salaries by 15% or an average of \$476.00 per year for the scholastic year ending in 1960, and a further increase of 5% or an average of \$635.00 per year for the scholastic year ending in 1961 over present allocations.

2. The State Board of Education is directed to use the following salary allotment schedule to provide this average increase:

Allocation 1958-59	Rank of Certificate	Allocation	
		1959-60	1960-61
3,660.00	I	4,210.00	4,392.00
3,160.00	II	3,635.00	3,792.00
2,550.00	III	2,935.00	3,060.00
2,150.00	IV	2,475.00	2,580.00
1,850.00	V	2,130.00	2,220.00

3. The State Superintendent of Education is directed to see that each local Board of Education which receives the allotments for salaries shall increase average salaries of teachers employed to a minimum of the amounts set out in paragraph 1 above and report any lack of compliance to the State Board of Education.

4. The State Board of Education shall establish such rules and regulations as may be necessary to carry out the provisions of this resolution in order that compliance may be reported to the 1961 session of the Legislature.

Approved August 24, 1959.
Time: 9:52 A. M.

Act No. 119

H. J. R. 34—Self

HOUSE JOINT RESOLUTION

WHEREAS, school bus drivers have a highly responsible job in this state of safely transporting our children to and from school each school day; and

WHEREAS, school bus drivers in many instances have not been paid a salary commensurate to their responsibility, duties and station in life, now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That permanent full-time non-student school bus drivers be paid for their services in driving a school bus, a minimum of \$110.00 per month for the school year and not to exceed nine months pay during any one calendar year; and

That student school bus drivers be paid an amount each month to be determined by the several counties local Boards of Education as they deem meet and proper.

AND BE IT RESOLVED FURTHER, that the Clerk of the House transmit a copy of this resolution to each County School Superintendent in the State of Alabama.

Approved August 24, 1959.
Time: 9:53 A. M.

Act No. 120

H. J. R. 35—Perry, Edwards, Hawkins, Locke,
Morrow, Rast, Sessions

HOUSE JOINT RESOLUTION

Whereas, the Honorable John Wood Frierson was until his death on Friday, August 14, 1959, a distinguished Alabamian, in that he was President of the Birmingham Post Company and Assistant General Manager of the Birmingham News, and that throughout his life he had always served the right and participated in every good cause and worthwhile endeavor;

AND WHEREAS, for thirty-nine years he had given light in order that the people could find their own way;

AND WHEREAS, at his death, every Alabamian is poorer for his being lost;

THEREFORE, BE IT RESOLVED:

That the Legislature of Alabama mourns the passing of this great Alabamian and wishes its feelings to be communicated to the widow and family by causing a copy of this resolution both to be spread upon the journal of each House and to be sent to them.

Approved August 24, 1959.

Time: 9:54 A. M.

Act No. 121

H. J. R. 36—Copeland, Hanby

HOUSE JOINT RESOLUTION

WHEREAS, the Emma Sansom High School Band of Gadsden, Alabama has won the national championship award of the Veteran's of Foreign Wars in its annual meeting in Miami, Florida in 1957, and New York City in 1958, and

WHEREAS, the said Emma Sansom High School band has been selected by the Veteran's of Foreign Wars of Alabama to represent it again in the national convention to be held the first week in September in Los Angeles, California, and

WHEREAS, should the said band win the national championship for the third consecutive time, it will become permanent owner of the trophy which represents outstanding achievement among high school bands in the nation,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that we do hereby extend best wishes to the said Emma Sansom High School band, its officials and supporters, for a safe and successful journey to the Veteran's of Foreign Wars Convention in Los Angeles, California

and express our hope and wishes that they will again be declared national champions in high school band competition.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the Clerk of the House of Representatives to Band Director Billy (Rep) Reagan, Emma Sansom High School, Gadsden, Alabama; Honorable Hugh Patterson, Mayor, City of Gadsden, Gadsden, Alabama and to VFW Commander Jack Ivey, Box 808, Montgomery, Alabama and that a copy be given to the press.

Approved August 24, 1959.
Time: 9:54 A. M.

Act No. 122

H. J. R. 37—Hanby, Copeland

HOUSE JOINT RESOLUTION

WHEREAS, the National Little League All Stars baseball team of Gadsden, Alabama having won the state little league tournament and, in competition with the Southern states, having won the Southern Region City Tournament at Pine Bluff, Arkansas, now goes to Norfolk, Virginia to represent Alabama and the South in the Southern Regional Little League Tournament to be played this week end, and

WHEREAS, this same little league team in competition last season advanced to the finals in the Little League World Series at Williamsport, Pennsylvania, and

WHEREAS, the honors won by this team in national competition, and by the Emma Samson High School Band of Gadsden, Alabama has caused Gadsden to be properly nicknamed the "City of Champions",

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that we do hereby extend best wishes to the National Little League All Stars of Gadsden, Alabama and its officials and supporters in its competition to be held this week end at Norfolk, Virginia and express our confidence that this team will continue its winning ways to be National Little League World Series champions at Williamsport, Pennsylvania.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Honorable Hugh Patterson, Mayor, City of Gadsden, Gadsden, Alabama and the Honorable Fred Moon, Manager of the Little League All Stars, Gadsden, Alabama.

Approved August 24, 1959.
Time: 9:55 A. M.

Act No. 123

H. J. R. 38—Dodd

HOUSE JOINT RESOLUTION

Whereas, within a few hours after being notified, about 1:30 P. M. last Saturday, that Mac Allen Page, a youth, who had been missing from his home at Youngtown for several days had disappeared in the Bankhead Forest, the Civil Air Patrol had organized and commenced a thorough search for this youth, in which eight aircraft made two flights over the Bankhead Forest, forty-eight radio controlled mobile units drove 14,000 miles, seventy-two senior members of the Civil Air Patrol and fifty cadets worked a total of 976 hours, some remaining on the job throughout the night, and radio stations and newspapers cooperated; and

Whereas, as a result of a broadcast from one of the stations alerted by the Civil Air Patrol Mac Allen Page was located less than twenty-four hours after the aid of the Civil Air Patrol was enlisted; and

Whereas, this is only one of many examples of the numerous public services rendered by the Civil Air Patrol to residents of Alabama; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING:

That the Legislature of Alabama, for and on behalf of the people of this State, is deeply grateful to the Civil Air Patrol for its many public services to the State and the citizens thereof and is particularly appreciative of the promptness and thoroughness with which the Civil Air Patrol conducted the search for the missing youth, Mac Allen Page.

Approved August 24, 1959.

Time: 9:56 A. M.

Act No. 124

H. 76—Nichols, Camp

AN ACT

Declaring the Nurses Training School established and operated at Sylacauga, Talladega County, under the terms of Chapter 10, Title 46 of the Code of Alabama of 1940 and/or Act No. 96, pages 92-99 of the General Acts of 1945, to be a part of the public school system of the City of Sylacauga, and to make appropriations for such school.

Be It Enacted by the Legislature of Alabama:

Section 1. The nurses training school established and operated at Sylacauga, Talladega County, pursuant to Chapter 10, Title 46, Code 1940, and/or Act No. 96, Regular Session 1945, is hereby declared to be a part of the public school system of the City of

Sylacauga for the purposes of this Act.

Section 2. The sum of 40 thousand dollars (\$40,000) is hereby appropriated from the Alabama special educational trust fund, for each of the fiscal years ending September 30, 1960 and September 30, 1961, for the operation and maintenance of the nurses training school at Sylacauga. The appropriation herein made shall be subject to be drawn on by the chairman of the governing board of said school, and shall be subject to allotment in the same manner as other appropriations as provided in Article 3 of Chapter 4, Title 55, Code of Alabama 1940.

Section 3. This Act shall take effect October 1, 1959.

Approved August 24, 1959.

Time: 10:00 A. M.

Act No. 125

S. 32—Haltom

AN ACT

Relating to game and fish in Lauderdale County; to prohibit the use of gill nets, hoop nets, and trammel nets in taking, capturing, or killing fish in public waters anywhere in Lauderdale County; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Whoever takes, captures, or kills any fish in public waters anywhere in Lauderdale County by means of a gill net, hoop net, or a trammel net is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars or a term at hard labor for the county not exceeding six months, or both. And it shall be unlawful for any person to use a gill net, hoop net, or trammel net in commercial fishing operations in public waters lying within Lauderdale County, notwithstanding the fact that such person may hold a commercial fishing gear license issued pursuant to law or under the rules and regulations of the state department of conservation. The department of conservation shall see to it that this law is enforced.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective on October 1, 1959.

Approved August 24, 1959.

Time: 9:58 A. M.

Act No. 126

H. 15—Smith (Russell), Adams
(Tallapoosa), Pruitt

AN ACT

To authorize the Director of Finance, the Commissioner of Revenue, the Attorney General, the State Auditor, the State Treasurer, and the State Superintendent of Education to become a corporation, to be known as the Alabama Education Authority; to designate the members, directors, and officers of the Authority, including the State Treasurer as the treasurer thereof; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public school and college buildings, and for acquiring sites therefor, and the power to sell and issue bonds for such purposes including payment of obligations incurred for any such purpose; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of funds of the State and its instrumentalities and agencies and for investment of fiduciary funds, and shall not create an obligation or debt of the State; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds necessary to pay the principal of and interest on the bonds of the Authority; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that such bonds shall nevertheless constitute negotiable instruments; to provide that the State Treasurer shall be custodian of the funds of the Authority; and to provide for the dissolution of the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature hereby makes the findings of fact and declaration of intent hereinafter set forth in this section. The great increase during recent years in the number of students enrolled in the public schools of the state and in the institutions of higher learning supported wholly or in part by the state, and the anticipated further increase in the enrollment of students in such schools and institutions, resulting from the greatly increased birth rate and other factors, have made it imperative that additional school and college buildings be constructed and equipped in all parts of the state. The taxes and other revenues set aside and devoted by law to educational purposes are not sufficient to make the large capital outlays required for such construction and to carry on also the maintenance and operation of the said schools and institutions. The only feasible way in which the needed buildings can be provided is by anticipating the receipt of a portion of the revenues devoted by law to educational purposes by capitalizing those revenues to the end that they may be applied for retirement of the costs of said construction as such revenues are received during the useful life of said buildings. It is, therefore, necessary and desirable that those portions of the excise taxes known as the state sales tax and the state use tax that are required by law to be paid into the Alabama Special Educational Trust Fund be anticipated in the

manner hereinafter provided for the purpose of effecting the needed capital outlays. It is the intention of the Legislature by the passage of this act to authorize the formation of a public corporation for the purpose of providing for the acquisition of such buildings, including sites and equipment therefor, and to authorize said corporation, in order to provide for such acquisition, to anticipate those portions of the two excise taxes hereinafter referred to that are now required by law to be paid into the Alabama Special Educational Trust Fund by issuing the bonds of said corporation payable solely out of and secured by a pledge of the said portions of those excise taxes. This act shall be liberally construed in conformity with the said purpose.

Section 2. The following terms, wherever used in this act, shall have the following respective meanings:

"The Authority" means the public corporation organized pursuant to the provisions of this act.

"Bonds" means the bonds issued under the provisions of this act.

"State" means the State of Alabama.

Pronouns when used in this act shall include all applicable genders.

Section 3. The Director of Finance, the Commissioner of Revenue, the Attorney General, the State Auditor, the State Treasurer, and the State Superintendent of Education may become a corporation with the power and authority hereinafter provided, by proceeding according to the provisions of this Act.

Section 4. To become a corporation, the Director of Finance, the Commissioner of Revenue, the Attorney General, the State Auditor, the State Treasurer, and the State Superintendent of Education shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (1) the name, official designation, and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office; (2) the date on which each applicant was inducted into office and the term of office of each of the applicants; (3) the name of the proposed corporation, which shall be the Alabama Education Authority; (4) the location of the principal office of the proposed corporation; and (5) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this State to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the

requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed, and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of the Authority.

Section 6. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Director of Finance shall be the president of the Authority, the Commissioner of Revenue shall be the vice-president thereof, and the State Superintendent of Education shall be the secretary thereof. The State Treasurer shall be treasurer thereof, shall act as custodian of its funds, and shall pay the principal of and interest on the bonds of the Authority out of the funds hereinafter provided for. The members of the Authority shall constitute all the members of the board of directors of the Authority, and any four members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member, officer, or director as the case may be, of the Authority. No member, officer, or director of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the Authority, shall be signed by the members of the Authority, and shall be recorded in a substantially bound book and filed in the office of the Secretary of State. Copies of such proceedings, when certified by the secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. The Authority shall have the following powers: (1) to have succession by its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid; (2) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto; (3) to have and to use a corporate seal and to alter the seal at pleasure; (4) to establish a fiscal year; (5) to provide for the construction, reconstruction, alteration, and improvement of public school and college building facilities, and

for the procurement of sites and equipment for such facilities; (6) to anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged; (7) as security for the payment of the principal of and interest on its bonds, to pledge the proceeds of the appropriations and pledges herein provided for; and (8) to appoint and employ such attorneys and agents as the business of the Authority may require.

Section 8. The Alabama Education Authority is hereby authorized from time to time to sell and issue its bonds, not exceeding one hundred million dollars (\$100,000,000) in aggregate principal amount, for the purpose of providing funds for the acquisition of public school and college building sites, for the construction, reconstruction, alteration, and improvement of public school and college building facilities, for the procurement of equipment therefor, and for payment of obligations incurred for any of such purposes.

All contracts involving the expenditure of any funds derived by a county or city board of education under this Act shall be let on competitive bids in the same manner and according to the same procedure as contracts for public works are awarded as prescribed in Act No. 492, H. 778, approved September 30, 1947 (General Acts 1947, pp. 338-343) as amended; and the use of such funds for the purchase of supplies, materials or equipment by county or city boards of education shall be on the basis of competitive bidding, to be conducted in the same manner and according to the same procedure as provided for state purchases in Act No. 343, H. 71, approved August 20, 1957 (Acts 1957, Vol. I, pp. 452-455), as amended, except that the procedure shall be conducted by the board of education instead of the state purchasing agent.

Section 9. The bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be impressed on any such bonds in lieu of his signing the same, a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the president's signature may be impressed on any such interest coupons in lieu of his signing the same. Any bonds of the Authority may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, not exceeding 5% per annum, payable and evidenced in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors whereunder

such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than thirty years after its date. Any bond of the Authority having a specified maturity date more than five years after its date shall be made subject to redemption at the option of the Authority at the end of the fifth year after its date, and on any interest payment date thereafter, under such terms and conditions as may be provided in the resolution under which such bond is authorized to be issued. Bonds of the Authority may be sold from time to time as the board of directors may deem advantageous, but bonds of the Authority must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a daily newspaper published in the State of Alabama, each of which notices must be published at least one time not less than ten days before the date fixed for the sale. The board of directors may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. Subject to the provisions and limitations contained in this Act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding. Such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled. Approval by the Governor of Alabama of the terms and conditions under which any bonds of the Authority may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the Governor. Such approval by the Governor may be shown on any such bonds by his facsimile signature when authorization thereof is contained in the said approval signed by him. The Authority may pay out of the proceeds of the sale of its bonds attorneys' fees and the expenses of issuance, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. No fiscal agents' fees shall be paid in connection with the issuance or sale of any such bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 11 hereof. As security for the payment of the principal of and interest on the bonds issued by it, the Authority is hereby authorized and empowered

to pledge for payment of such principal and interest the funds that are appropriated and pledged in Section 11 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges; provided, that each pledge for the benefit of refunding bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby. All contracts made and all bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not be an obligation or debt of the State of Alabama. Bonds issued by the Authority shall be construed to be negotiable instruments, although payable solely from a specified source, as provided herein. All bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the State of Alabama. Any bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the State, or to any instrumentality or agency of the State, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the Authority. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of bonds by the Authority.

Section 10. The proceeds of all bonds, other than refunding bonds, issued by the Authority remaining after paying expenses of their issuance, shall be deposited in the State Treasury, and shall be carried in the State Treasury in a special or separate account. Such funds shall be subject to be drawn upon by the Authority with the approval of the State Superintendent of Education and the Governor, but any funds so withdrawn shall be used solely for the purposes of financing the construction, reconstruction, alteration, improvement, and equipment of public school and college buildings, and for acquiring sites therefor, in accordance with the provisions of this Act.

(a) Twenty-three million five hundred sixty-four thousand six hundred dollars (\$23,564,600) of the proceeds from the sale of the bonds issued hereunder shall be distributed among the institutions of higher learning of this State as follows:

(1) Six million eight hundred sixty thousand seven hundred dollars (\$6,860,700) shall be paid to the University of Alabama;

(2) Six million eight hundred sixty thousand seven hundred dollars (\$6,860,700) shall be paid to the Alabama Polytechnic Institute;

(3) Nine hundred thirteen thousand four hundred dollars (\$913,400) shall be paid to Alabama College;

(4) Eight million nine hundred twenty-nine thousand eight hundred dollars (\$8,929,800) shall be distributed among the state institutions of higher learning under the State Board of Education as follows: one million nine hundred sixty thousand two hundred dollars (\$1,960,200) to Florence State College; one million nine hundred sixty thousand two hundred dollars (\$1,960,200) to Jacksonville State College; one million four hundred eighty-five thousand dollars (\$1,485,000) to Troy State College; one million one hundred eighteen thousand seven hundred dollars (\$1,118,700) to Livingston State College; six hundred twenty-eight thousand six hundred fifty dollars (\$628,650) to Alabama State College; five hundred seventy-four thousand two hundred dollars (\$574,200) to the Mobile Branch of Alabama State College; one million two hundred two thousand eight hundred fifty dollars (\$1,202,850) to Alabama Agricultural and Mechanical College.

(b) Two million four hundred thirty-five thousand four hundred dollars (\$2,435,400) of the proceeds of the bonds, shall be distributed among the state vocational trade schools in accordance with their needs, as such needs shall be determined by the State Board of Education, and shall be used for the establishment and operation of at least one new trade school, to be located at a site to be determined by the State Board of Education, provided such site is acquired by the State at no cost to the State.

(c) Two hundred fifty thousand dollars (\$250,000) shall be paid to the board of education of each county in this State, to be used for the reconstruction, alteration, equipment, and improvement of existing school buildings, or to pay for school buildings constructed not more than three years before the effective date of this Act, or to pay any debt contracted for the construction of any school buildings constructed not more than three years before the effective date hereof, and for new construction; provided, that such funds so distributed shall be apportioned among the county board of education and the city boards of education within the county, pro rata, on a teacher unit basis.

(d) One-half of the remainder of the proceeds of the bonds shall be distributed to and apportioned among the several city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1959-1960, and shall be used for the reconstruction, alteration, equipment, and improvement of existing school buildings, or to pay for school buildings constructed not more than three years before the effective date of this Act, or to pay any debt contracted for the construction of any school buildings constructed not more than three years before the effective date hereof, and for new construction; and the other one-half of

the remainder of the proceeds of the bonds issued hereunder shall be apportioned, pro rata, among the sixty-seven county boards of education on a teacher unit basis as determined in accordance with the minimum school program for the school year 1959-1960, provided the county board of education shall receive only such sum as shall be equal to the amount which the county board of education, the city boards of education within the county, and the incorporated municipalities within the county do appropriate or have appropriated from local funds for new school construction during the three years immediately preceding the effective date of this Act, and certify to the secretary of the Authority that they have so appropriated. The said county board of education shall allot any funds received in this matching portion between the county board of education and the city board or boards of education located in the county on the basis of the teacher units credited to the respective boards.

All money distributed or disbursed from the special fund provided for herein shall be used solely for the purposes specified in this act; and the preparation of all plans and specifications for any building constructed wholly or in part with any of the money, and all work done hereunder in regard to the construction, reconstruction, alteration, and improvement of school buildings, shall be supervised by the Alabama Building Commission, or any agency that may be designated by the Legislature as its successor. The Authority and the Building Commission shall agree to a construction cost estimate for each building constructed wholly or in part with any of the money provided for in this Act and reimbursement shall be made to the Commission for its reasonable direct costs in having plans, specifications and contract documents prepared and in supervising and inspecting the work. Any funds allocated to local boards of education under the provisions of this section which are not obligated or encumbered for use in accordance with plans approved by the State Department of Education before January 1, 1964, shall revert to the Authority and shall be available for matching, dollar for dollar, on a teacher unit basis, as determined in accordance with the minimum school program for the school year 1960-1961, by other school systems. The proceeds from the sale of any refunding bonds issued hereunder remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the Authority and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

In the event the bonds are sold in more than one series, the proceeds from the sale of each series, after payment of the expenses of the issuance of that series, shall be distributed among those designated in this section in the same respective proportions as they would have been entitled to receive if the entire authorized issue of bonds had been sold at one time.

Section 11. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on any bonds issued by it under the provisions of this act, and to accomplish the objects of its creation, there is hereby irrevocably pledged to such purpose and hereby appropriated such amount of money as may be necessary for such purpose out of the residue of the receipts from the excise tax known as the sales tax levied by Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, after there shall have been taken therefrom the amounts necessary to meet all prior charges thereon, including the appropriations for other than educational purposes made in Section 32 of the said Act No. 100 and such amounts as may be necessary to pay the principal of and the interest on the bonds of the State of Alabama issued under the amendment to the Constitution of Alabama that was proposed by Act No. 383 adopted at the 1957 Regular Session of the Legislature of Alabama, said residue constituting that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund. If the said residue of the said sales tax herein pledged and appropriated is insufficient to pay at their respective maturities the principal of and the interest on the bonds issued under the provisions of this Act, there is hereby irrevocably pledged to the payment of said principal and interest and hereby appropriated to that purpose so much as may be necessary therefor of the residue of the receipts from the excise tax known as the use tax levied by Article II of Chapter 20 of Title 51 of said code, as amended, after there shall have been taken therefrom the amount necessary to meet the expenses of said department, said residue constituting that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund. The moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds of the Authority.

Section 12. Out of the revenues appropriated and pledged in Section 11 hereof, the State Treasurer is hereby authorized and directed to pay the principal of and interest on the bonds issued by the Alabama Education Authority under the provisions of this Act, as such principal and interest shall respectively mature, and the State Treasurer is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 13. At any time when no bonds of the Authority are outstanding, the Authority may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the members of the Authority and sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of such application for dissolution, the Authority shall cease to exist. The

Secretary of State shall file and record the application for dissolution, in an appropriate book of record in his office, and shall make and issue, under the Great Seal of the State, a certificate that the Authority is dissolved, and shall record such certificate with the application for dissolution.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1959.

Time: 2:55 P. M.

Act No. 127

H. 34—Oakley

AN ACT

To permit the State Board of Education, by its rules and regulations, to provide assistance to residents of Alabama for instruction on the college or university level not available to them at public, state-supported educational institutions in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Board of Education, under such rules and regulations as it shall determine, may provide assistance for residents of Alabama for instruction on the college or university level at private non-denominational institutions when such instruction is not available to such residents at public, state-supported educational institutions in Alabama. The State Board of Education shall, by its rules and regulations, determine the qualifications of persons who may be aided under the provisions of this Act, and the decision as to the qualifications of persons by the State Board of Education shall be final. The State Board of Education may provide assistance for instruction on the college or university level at any private non-denominational institution as it deems necessary, within or without the state boundaries. The State Board of Education shall provide assistance for such college or university instruction within the limits of the appropriations available for this purpose at a cost per student not exceeding the probable cost of such instruction if it were available at a state-supported institution. The State Board of Education, in providing assistance in such instruction, may take into account differences in travel, tuition, and living expenses.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1959.

Time: 10:01 A. M.

Act No. 128

H. 137—Glass, Taylor

AN ACT

To amend Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981) is hereby amended to read as follows:

“Section 30½. The provisions of this bill shall not apply to any county having a population of 400,000 or more according to the last Federal decennial census or any future Federal decennial census. The provisions of this bill shall not apply to any county having a population of not less than 28,000 nor more than 28,900 according to the last or any subsequent federal decennial census. This Act shall not apply in any county which now has or which may hereafter have a population of not less than 16,000 nor more than 16,300 according to the last or any subsequent federal decennial census. This Act shall not apply in any county which now has or which may hereafter have a population of not less than 18,000 nor more than 18,100, according to the last or any subsequent federal decennial census. The provisions of this bill shall not apply to any county having a population of not less than 29,300 and not more than 29,800 according to the last or any subsequent federal decennial census. Provided, however, that the provisions of this act shall not apply in any county having a population of not less than 20,830 nor more than 20,840 nor in any county having a population of not less than 29,400 nor more than 29,500 according to the last or any subsequent federal decennial census nor in any county having a population of not less than 125,000 nor more than 225,000 according to the last or any subsequent Federal decennial census.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1959.

Time: 10:02 A. M.

AN ACT

To amend Title 51, Section 745, as amended, Code of Alabama 1940, by providing therein that the Alabama Tobacco Use Tax is to be levied not only in the amount equal to the Tobacco Sales Tax levied under the provisions of Section 718, as amended, of Title 51, Code of Alabama 1940, but is also levied in an amount equal to any additional amount or amounts of tobacco sales tax as may be otherwise levied or provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 745, as amended, of Title 51, Code of Alabama 1940 be and the same is hereby amended to read as follows:

Section 745. USE TAX.—An excise tax is hereby imposed on the storage, use or other consumption in this state of tobacco products purchased at retail in an amount equal to that set out in section 718 of this title, or to any additional amount or amounts of tobacco sales tax as may be otherwise levied or provided by law. Every person storing, using or otherwise consuming in this state tobacco products purchased at retail shall be liable for the tax imposed by this subdivision, and the liability shall not be extinguished until the tax has been paid to this state; provided however, if said tobacco products have attached thereto the stamps provided in said section 718 of this title as aforesaid, or as otherwise provided by law, or if said tax imposed by said section 718 of this title as aforesaid, or to any additional amount or amounts of tobacco sales tax as may be otherwise levied or provided by law has been paid by the seller of such tobacco products, then the tax imposed by this subdivision shall not be due. Every person who shall purchase tobacco products subject to the tax imposed by this subdivision shall register with the department of revenue as a responsible taxpayer subject to the obligation of maintaining records and making returns, and shall furnish his name and address and the address at which tobacco products are received if that address is different from his permanent address, and shall furnish such other information as the commissioner shall deem appropriate for the administration of this subdivision. All tobacco products subject to the tax imposed by this subdivision and with respect to which the tax has not been paid are declared to be contraband and may be seized without warrant by the commissioner or his agents or employees or by any peace officer of this state, and confiscated as provided in section 722, of this title, and in such case the tax shall become immediately due, except that tobacco products in the possession of a registered taxpayer, as defined in this subdivision, shall not be deemed contraband and subject to seizure and confiscation unless the time for making the report required by section 746 of this title has expired. Every person subject to the tax imposed by this subdivision who fails to register with the department of revenue as a responsible taxpayer; or every person owning or

possessing tobacco products declared to be contraband under this section; or every person who fails to remit the tax levied by this subdivision within the time required, shall be deemed a violator of this subdivision and may be required to pay a penalty of not less than \$25.00 nor more than \$500.00. This penalty and tax may be assessed and collected by the department of revenue as is provided by title 51, section 732, Code of Alabama 1940, as amended, and appeal taken from any final assessment made hereunder shall also be governed accordingly.

Section 2. That if any section, subsection, part, clause, provision, or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision, part, or portion of this Act which is not of itself invalid or unconstitutional.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 24, 1959.

Time: 10:03 A. M.

Act No. 130

H. J. R. 44—Goodwyn, Bailey, Pierce, Goldthwaite, Jones (Monroe), Boyd, Thomas, Torbert, Turnham, McLendon, Hain, Steagall, Hardy, Nichols, Smith, Merrill, Roberts, Johnson (Tallapoosa), Dickson, Casey, Turner, Locke, Nettles, Morrow, Sessions, Edwards, Rast, Hanby, Albea, Cornett, Brannan, Owens, Brooks, Britton, Jones (Covington), Trimmier.

HOUSE JOINT RESOLUTION

Whereas Robert Eugene Steiner, Jr., was the dean of the Montgomery Bar, having been admitted to the practice in 1908; and

Whereas Robert E. Steiner, Jr., was an outstanding attorney of this State, who, among his many other accomplishments, was a member of the executive committee of the board of trustees of the University of Alabama, and a member of the board of directors of the First National Bank of Montgomery and the Western Railway of Alabama; and

Whereas the members of the Legislature note with deep

regret the recent passing of this distinguished citizen of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature deeply mourn the passing of Robert Eugene Steiner, Jr., and hereby extend their sincere sympathy to the surviving members of his family.

Approved August 24, 1959.

Time: 10:04 A. M.

Act No. 131

S. J. R. 17—Andrews

SENATE JOINT RESOLUTION

The Birmingham News, in an able manner, having provided the public and members of the Legislature with a most comprehensive and valuable factual report on matters of voter registration in the State of Alabama;

BE IT RESOLVED That the Senate of Alabama, the House concurring, that the Legislature of Alabama does hereby express its appreciation to the Birmingham News and its exceptional staff writers for this excellent contribution to a most vital subject.

Approved August 25, 1959.

Time: 9:00 A. M.

Act No. 132

H. 138—Owens

AN ACT

Relating to the organization, jurisdiction, and functions of certain courts of Crenshaw County; revising the inferior court system of said county; establishing a law and equity court, defining its jurisdiction and powers, providing for its officers, their appointment, election, terms of office, powers, duties, and compensation, and for costs and fees in such court; abolishing the county court and the juvenile court of Crenshaw County established under general laws, and providing for the transfer of cases pending in such courts, and certain cases pending in the circuit court, to the law and equity court; withdrawing and taking away from justices of the peace and notaries public with powers of justices of the peace in Crenshaw County jurisdiction in criminal and quasi-criminal cases.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established in and for Crenshaw County a court of law and equity, which shall be called the law and Equity Court of Crenshaw County.

Section 2. (a) The Law and Equity Court of Crenshaw Coun-

ty shall be a court of record and shall have and exercise the following jurisdiction, authority, and powers:

(1) It shall have exclusive jurisdiction of all matters triable in the county court under general laws;

(2) Exclusive jurisdiction of all cases, matters, and proceedings triable in the juvenile court under general laws;

(3) Unlimited jurisdiction concurrent with the circuit court of Crenshaw County in all civil and equity matters, including the power and authority to grant divorces, either limited or absolute, to award alimony and effect property settlements in connection with such divorces, and to determine the custody of children.

(4) It shall have power to issue any and all special and extraordinary writs that the circuit courts or the judges thereof are authorized to issue.

(5) It may exercise all other powers and authority that are or that may hereafter be conferred upon the circuit courts or the judges thereof, including the power to punish for contempt, unless otherwise provided in this Act;

(6) Jurisdiction concurrent with the justices of the peace of the county in civil cases triable by justices of the peace, and exclusive jurisdiction of criminal cases of which justices of the peace have final jurisdiction under general laws.

(b) In all civil and equity cases in which both parties to the action are present in court, either in person or by attorney, if no specific objection to the jurisdiction of the court is raised by the defendant by plea, answer or demurrer, the jurisdiction of the court shall be deemed complete and cannot thereafter be questioned in any other court for any cause.

Section 3. Immediately after this Act becomes effective the Governor shall appoint a judge of the court who shall hold office until the first Monday after the second Tuesday in January, 1965. At the general election in 1964, and every six years thereafter, a judge of the court shall be elected for a term of six years beginning on the first Monday after the second Tuesday in January next following his election. The judge of this court shall before entering upon the duties of the office take the oath prescribed by law to be taken by judges of the circuit courts in Alabama. The judge of the court shall be a qualified elector of the county, not less than twenty-five years of age, and shall be learned in the law, and licensed to practice law in this State. The judge shall not practice law in any of the courts of this State or of the United States, during his term as judge of the court hereby established. He may be removed from office in the manner and for the causes now provided by law for the removal of circuit judges.

Section 4. The clerk of the circuit court of the county shall be by virtue of his office clerk of the Law and Equity Court of Crenshaw County hereby established, and shall have the same powers and discharge the same duties as clerks of the circuit courts. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees, commissions and emoluments as are now or as may hereafter be allowed to circuit clerks of Alabama, which shall be collected as such fees and commissions are collected in the circuit courts, except that in civil matters where suit is brought for one hundred dollars (\$100.00) or less, and in criminal matters heretofore triable before justices of the peace, only the fees and commissions allowed by law to justices of the peace shall be collected. The register of the circuit court in equity shall by virtue of his office be the register of the Law and Equity Court of Crenshaw County, and shall have powers and discharge the duties which shall devolve upon the register of the Law and Equity Court of Crenshaw County. He shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees and commissions as are now, or as may hereafter be allowed to the registers of circuit courts in equity, which shall be collected as such fees and commissions are collected in circuit courts. No costs or fees shall be charged or collected in juvenile cases.

(b) A docketing fee of five dollars (\$5.00) shall be imposed in each criminal case and in each civil case at law docketed in the Law and Equity Court of Crenshaw County. And a docketing fee of ten dollars (\$10.00) shall be imposed in each equity case docketed in said court, except divorce cases. A docketing fee of twenty-five dollars (\$25.00) shall be imposed in each divorce case docketed in said court. Such fees shall be collected in the same manner as other costs, and when collected shall be paid by the clerk or register of the court, as the case may be, into the general fund of the county.

Section 5. The judge of the Law and Equity Court of Crenshaw County shall receive a salary of Seven thousand dollars (\$7,000.00) per annum, payable in equal monthly installments out of the county treasury.

Section 6. The county or deputy solicitor appointed or elected for the county, or in his absence or in the event of a vacancy in the office of county or deputy solicitor, the circuit solicitor shall represent the State in all criminal cases in said court.

Section 7. The Law and Equity Court of Crenshaw County shall be held at the courthouse in Luverne and shall be open at all times for the transaction of business. In case of sickness or disqualification of the judge of the court, the law applicable to the appointment and service of special judges in the circuit court

shall apply. The judge of the court shall keep an office at such suitable place as may be provided by the court of county commissioners, board of revenue or other governing body of the county. It shall be the duty of the governing body of the county to provide such office and supply the same with telephone service and office supplies. Such office furniture, furnishings, fixtures, law library and equipment as may be necessary to enable the judge of said court efficiently to conduct the affairs of his office shall be provided by the county.

Section 8. The judge of the court may determine and fix the time of holding sessions of the court for the trial of all cases, criminal, civil and equity; provided that all cases shall be called for trial at least once every thirty days. However, this section shall not be construed to prevent the continuance of any case in said court, by agreement of counsel or the parties on good cause shown the court, and when any cause is so continued to a specific time either for a cause shown to the court, or by agreement of the parties or counsel, it shall not be necessary to call said case until the expiration of the time to which it has been continued. And provided further, that the court shall have the right and power to call extraordinary session of said court whenever in the judgment of the court the same is necessary.

Section 9. All cases tried in the Law and Equity Court of Crenshaw County shall be tried by the judge without a jury. The judge shall decide all questions of law and fact. Any party aggrieved by a decision in any civil case cognizable by justices of the peace may appeal at any time within five days after rendition of the judgment, to the circuit court, in the manner provided for appealing judgments rendered by justices of the peace. In any other civil case, if the defendant is entitled to a trial by jury under the Constitution, he may demand a jury trial by endorsement on the initial pleading filed, and thereupon the clerk of the court shall transfer the cause to the circuit court. Upon such transfer, the jurisdiction of the circuit court shall attach in said cause, and the jurisdiction of the Law and Equity Court of Crenshaw County shall cease and terminate. The cause shall then stand regularly for trial in the circuit court. Unless a defendant demands a jury as herein provided, he shall be deemed to have waived a trial by jury; and the court shall make an entry thereof on the record and shall proceed to hear and determine the case.

Section 10. Appeals from judgments of the Law and Equity Court of Crenshaw County in law and equity cases may be taken directly to the Supreme Court or the Court of Appeals in the same manner and within the same time that appeals are now taken from judgments in such cases in the circuit courts of the State.

Section 11. Upon conviction in a criminal case, the defendant shall have the right of appeal to the circuit court of the county,

on entering into bond, with sufficient surety, to appear at the term of the court to which the appeal is taken, and from term to term until discharged, the bond to be in such penalty as the judge of the court may prescribe, and to be approved by the judge or clerk of the court. If the defendant does not make the bond required, he shall remain in custody and may, within ten days after taking said appeal, demand a trial by jury in the circuit court, otherwise, said case shall be tried by the court without a jury.

Section 12. All cases on the non-jury docket and all cases on the equity docket now or hereafter pending in the Circuit Court of Crenshaw County may, by agreement of the parties thereto, be transferred from the Circuit Court to the Law and Equity Court of Crenshaw County. Likewise, all cases on the non-jury docket, and on the equity docket now or hereafter pending in the Law and Equity Court of Crenshaw County may by agreement of the parties thereto, be transferred from the Law and Equity Court of Crenshaw County to the Circuit Court of Crenshaw County. In all cases, non-jury and equity, now or hereafter pending in the Circuit Court of Crenshaw County, wherein a judgment by default, nil dicit, or decree pro confesso has been rendered, the same may be transferred from the Circuit Court to the Law and Equity Court of Crenshaw County for final judgment or decree on motion of the plaintiff or complainant. In all cases, non-jury and equity now or hereafter pending in the Law and Equity Court of Crenshaw County, wherein a judgment by default, nil dicit, or decree pro confesso has been rendered, the same may be transferred from the Law and Equity Court of Crenshaw County to the Circuit Court, for final judgment or decree on motion of the plaintiff or complainant.

Section 13. The judge of the Law and Equity Court of Crenshaw County shall have plenary power to adopt and enforce rules governing pleading, practice and procedure in the court, including the right to prescribe forms therefor. He may adapt to the needs of the court and incorporate into the rules of the court any or all rules relative to pleading, practice and procedures in the federal courts and the courts of other states, and such rules when adopted and promulgated shall have the force and effect of law, and shall supersede conflicting rules governing pleading, practice and procedure in other courts in the State. The rules of practice and procedure in the circuit courts of the State shall govern the pleadings, practice and procedure in the court hereby established, except as herein otherwise provided.

Section 14. The sheriff of the county shall in person or by deputy or deputies appointed by him, attend upon the court, preserve order, execute all writs of process and perform such other duties in all respects as in the Circuit Court of this State. For service of the processes of the court, the sheriff shall receive

such compensation as he receives under the law of the State of Alabama, or any laws enacted in the future by the Legislature of Alabama, for the compensation of the sheriff for similar services in the circuit court, except as herein otherwise provided.

Section 15. The judge of the Law and Equity Court of Crenshaw County shall adopt a seal for the equity side of the court, which shall be kept in the custody and under the control of the register of the court.

Section 16. The judge of the Law and Equity Court of Crenshaw County shall adopt a seal for the law side of the court, which shall be kept in the custody and under the control of the clerk of the court.

Section 17. The judge of the court shall appoint a competent person capable of taking the proceedings of said court in shorthand as the official reporter for the court. The court reporter shall be removable at the discretion of the judge. His duties shall be the same as those required by law of reporters for the circuit courts of the State, and he shall receive the same rate of compensation for transcribing the testimony or other proceedings as is now provided for the circuit court reporter, and shall also receive the following pay while he is engaged in taking testimony or other proceedings of the court: \$5.00 (five dollars) for one-half day or fraction thereof and \$10.00 (ten dollars) for each full day, plus five cents (5c) a mile to and from the place of holding said court, to be taxed as court cost.

Section 18. It shall be the duty of the clerk of the court to keep a record upon which shall be recorded all affidavits made before the judge or clerk of said court, or returnable by a justice of the peace or judge of an inferior court in the county to the court; and if any affidavit should be lost or destroyed, a certified copy of the record shall be used the same as the original affidavit. For recording each affidavit the clerk shall receive a fee of seventy-five cents to be taxed as costs in case of the defendant's conviction.

Section 19. The county court of Crenshaw County and the juvenile court of Crenshaw County as established according to general law are hereby abolished. The jurisdiction and authority vested in the probate judge as judge of the county court and judge of the juvenile court is hereby transferred to and shall hereafter be exercised by the law and equity court. All cases and proceedings pending in the county court and in the juvenile court on the effective date hereof shall be transferred to the law and equity court and proceedings shall be held thereon as in said court as though the same had been commenced in the law and equity court.

Section 20. All criminal and quasi-criminal jurisdiction of

whatever kind, whether final or for the purpose of binding over to await the action of the grand jury, is hereby withdrawn and taken away from justices of the peace and notaries with powers of justices of the peace within the boundaries of Crenshaw County, Alabama, and justices of the peace and notaries ex officio who now are or who may hereafter be elected or appointed for any portion of the territorial limits herein mentioned shall have and exercise civil jurisdiction only, and shall not have or exercise any criminal or quasi-criminal jurisdiction whatsoever. Provided, that this Act shall not deprive any inferior court of Crenshaw County, Alabama, or the recorder or mayor of any municipality within said county of any criminal jurisdiction now exercisable by it or him.

Section 21. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 22. All laws or parts of laws which conflict with this Act are repealed.

Section 23. This Act shall become effective October 1, 1959.

Approved August 25, 1959.

Time: 9:01 A. M.

ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

**PASSED AT THE
REGULAR SESSION OF 1959
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 5, 1959**



**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

JOHN PATTERSON, Governor
ALBERT BOUTWELL, Lieutenant Governor
VAUGHAN HILL ROBISON, President Pro Tem. of the Senate
CHAS. C. ADAMS, Speaker of the House
VIRGIS M. ASHWORTH, Speaker Pro Tem. of the House
J. E. SPEIGHT, Secretary of the Senate
OAKLEY MELTON, JR., Clerk of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1959 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Bettye Frink,
Secretary of State.

**MESSAGE OF
GOVERNOR JOHN PATTERSON
TO JOINT SESSION OF
THE ALABAMA LEGISLATURE
AT REGULAR SESSION
MAY 5, 1959**

Lt. Governor Boutwell, Mr. Speaker, Members of the Joint Session of the Alabama Legislature:

As directed by the Constitution of the State of Alabama, the Governor is charged with the duty at the commencement of each regular session of the Legislature to communicate to the Legislature by message information of the condition of the State and recommend such measures as he shall deem expedient.

Before discharging this duty, I would like to say that it is an honor and a privilege for me to appear before a joint session of the Legislature again. As Chief Executive of the State I wish to extend a warm greeting to you, and I wish to again congratulate you on your election or re-election to the Legislature. Your presence here as a member of this august and historical body is a splendid personal tribute to your ability to be of service to the people of your community and state.

I wish to again express my gratitude to the citizens of our state for the high honor that they have bestowed upon me by electing me to the office of Governor and for the confidence that they have expressed in me and in my program. Throughout my administration my every thought and every action will be motivated by a desire to do only that which will best serve all the people of Alabama. I want nothing personal for myself. I do want us to be able to look back upon this administration in years to come and be able to say that the Patterson administration was the best administration the state ever had, and be able to look back upon our work with pride and satisfaction.

I wish to again express my deep appreciation to you for the cooperation and assistance that you have given me and my administration since I took office January 20th of this year. I appreciate the many pledges of continued cooperation that I have received. I wish to commend you for the excellent work that you accomplished during the recent special session and I appreciate your support and passage of the sixty million dollar revenue bond

issue for highway construction. As you know, you enacted our road program into law without a dissenting vote and in record time. You are deserving of the highest credit for the splendid manner in which you conducted the business of the Legislature during the Special Session. I also wish to express my appreciation to the members of the Interim Committees on Finance and Taxation and Revision of Laws for the splendid work that they have accomplished during the interim period between adjournment of the special session and up to the beginning of this session. The members of these interim committees assisted by the other members of the Legislature have worked hard to formulate constructive and progressive legislation which will be presented to you during this session. They are deserving of the highest credit for the service they have rendered to the people of this state. The interim committees have worked closely with me in formulating appropriation bills and other legislation and I am grateful for their cooperation and assistance. Time will show that the fine work of the interim committees will save us untold hours of labor during the regular session and save the taxpayers considerable money.

You and I are faced with serious responsibilities. We must discharge our duty to the people of this state in such a manner that it will benefit the welfare of all our citizens. I pledge to you my wholehearted support and cooperation and I know that by working together during the next four years we will make our state a better place in which to live and bring credit upon ourselves and our people.

I am pleased to report to you that all the departments of the state government are operating smoothly and efficiently with few exceptions. We have instituted on all levels a program of efficiency and economy. We are cutting out non-essential programs. We are eliminating waste. We are adhering strictly to the competitive bid laws. We are seeing that things purchased by the state are needed and we are seeing that we are getting what we pay for. We are seeing that the property of the state is used in a legal and proper manner so as to bring the greatest benefit to our citizens. I am pleased to report that we are making tremendous progress with this program and I feel certain that we are going to be able to save the taxpayers of this state millions of dollars a year which heretofore has been wasted and thrown away.

The people demand that we put an end to the waste of their tax money and they demand a full dollar's worth for every tax dollar spent. This was one of the main planks of my platform

during my race for Governor. This administration is committed to this policy and will carry it out to the letter.

The people expect and demand of the state government certain services and the demand for these services increases daily. We must continue to give the people the services they expect and pay for. We must not curtail essential services under the mistaken guise that it constitutes economy. If we do so, we will defeat our own purpose. We must improve the efficiency of the state government so as to provide more and better services for our citizens. I do not want an administration that has the reputation of being miserly with its funds. I want an administration with a reputation of being honest, progressive and efficient, and one that provides the services the people expect. I want the reputation of being a builder. I want to build highways, build schools, pay better old age pensions, bring new industry to Alabama, improve the conditions of our hospitals, prisons and other state institutions, and do the other things that a progressive administration ought to do. You can sum up the goal of my administration in two words—**progress and efficiency.**

FINANCE

Our laws prohibit us from spending more than we take in. Our budget must be balanced. I want to assure you that throughout my administration our expenditures will be kept well within our revenues at all times. The budget that I will recommend to you will be balanced. The recommendations that I will make to you will provide adequate educational opportunities for our children, increased assistance to our aged citizens, and services which will aid and encourage the growth and prosperity of our state.

General Fund

At the close of this fiscal year, September 30, 1959, there will be a balance in the General Fund of approximately \$1,500,000.00. The anticipated revenues coming into the General Fund for 1959-60 will be approximately \$36,602,500.00, making a total amount available in the General Fund for 1959-60 of \$38,102,500.00. I will recommend a budget to you calling for appropriations for 1959-60 from the General Fund of \$36,602,500.00. If this recommended budget is followed by you, we will have a balanced budget and have a balance in the General Fund at the end of the year of \$1,500,000.00. The anticipated revenues coming into the General Fund for 1960-61 will be approximately \$38,964,000.00, and with the balance of \$1,500,000.00, which will be in the General Fund on

September 30, 1960, makes a total amount available in the General Fund for 1960-61 of \$40,464,000.00. I will recommend a budget to you calling for appropriations from the General Fund for 1960-61 of \$38,964,000.00. If this recommendation is followed by you, we will have a balanced budget and have a balance in the General Fund at the end of the year of \$1,500,000.00. It is absolutely essential that a balance of at least one and a half million dollars be maintained in the General Fund at all times to meet current obligations of the State. This practice is sound and has consistently been followed for many years.

As you know, I have heretofore submitted my recommended appropriations from the General Fund for the next biennium to the Interim Committee on Finance and Taxation which was set up by you to operate during the interim between the recent Special Session and this Regular Session. The Interim Committee conducted extensive hearings on my recommended budget and made several changes in my recommendations by increasing the appropriations to some departments and decreasing them as to others. The appropriation bill reported favorably by the Interim Committee did not change the total amount that I recommended for the next biennium and I concurred with the committee on the changes and agreed to go along with them. The recommendations that I will make to you for appropriations for the next biennium from the General Fund will be identical to those approved by your Interim Committee on Finance and Taxation and I urge you to enact these recommendations into law without amendments.

Special Trust Funds

As you know, certain revenues taken in by the state are "earmarked" to be expended by certain departments for specific purposes. Of course the law requires that these special trust funds be appropriated by the Legislature before they can be expended.

I will submit a budget to you setting forth my recommendations for appropriation of these trust funds for the next biennium. The budget that I will recommend will be balanced and the amounts recommended well within our anticipated revenues. I heretofore presented these recommendations to the Interim Committee on Finance and Taxation and after numerous hearings your committee reported favorably my requested appropriations covering these trust funds with only one minor change. I agreed to this change and the recommended appropriations I will submit to you pertaining to these trust funds will be the

identical appropriation for said funds which were approved by your Interim Committee. I urge you to enact these recommendations into law without amendments.

Special Educational Trust Fund

The anticipated revenues coming into the Special Educational Trust Fund from all taxes now in existence for the year 1959-60 will be approximately \$119,938,500.00, and for the year 1960-61 will be \$126,463,250.00. I will recommend to you a budget calling for appropriations for education from the Special Educational Trust Fund in an amount of \$161,938,500.00 for the fiscal year 1959-60 and \$168,463,250.00 for the fiscal year 1960-61. My recommendations constitute an increase of \$42,000,000.00 more per year than is expected to come in from presently enacted revenue measures. In order to provide the additional funds necessary to meet my recommendations, I recommend that the Legislature enact the following measures:

1. A 3% sales tax on the sale of all new and used automobiles and trucks. This measure can be enacted by statute and it is anticipated that such a measure would bring in approximately \$17,350,000.00 per year.

2. A 3% gross privilege license tax on all construction contracts in excess of \$25,000.00. This measure can be enacted by statute and it is anticipated that such a measure would bring in approximately \$15,500,000.00 per year.

3. A constitutional amendment increasing the income tax on corporations from 3% to a maximum of 5% and providing that such tax be on the same graduated scale as that of individuals. This measure must be submitted to the people for a vote and if it passes it is anticipated that it would bring in an additional \$4,850,000.00 per year.

4. A constitutional amendment lowering the personal income tax exemption from \$1,500.00 per single person to \$1,000.00 and from \$3,000.00 per married couple or head of household to \$2,000.00. This measure must be submitted to the people for a vote and if it passes, it is anticipated that it would bring in an additional \$4,650,000.00 per year. In view of the fact that two of the above revenue measures recommended require a vote of the people, I will recommend to you two budgets for education. One will be an "absolute" recommendation which will be based on the anticipated revenues from presently enacted laws together with anticipated revenues from the afore-recommended revenue meas-

ures which can be enacted by statute, and the other will be a "conditional" recommendation which will include all the recommendations included in the "absolute" recommendation, plus the anticipated revenues from the afore-recommended constitutional amendments. The "conditional" recommendation is necessary due to the necessity of submitting the two constitutional amendments to a vote of the people.

I heretofore presented these recommendations to your Interim Committee on Finance and Taxation and the committee gave considerable study to my proposals along with proposed measures advanced by others. The committee gave favorable consideration to my recommendation to increase the appropriation for education by \$42,000,000.00 per year for the next biennium. The committee gave favorable consideration to my recommendation that a 3% gross privilege license tax be levied on all construction contracts in excess of \$25,000.00 but the committee changed my recommendation so as to exempt the first \$25,000.00 of all construction contracts from payment of the license. This change would result in reducing the anticipated revenues to be derived from the passage of this measure by approximately \$700,000.00 per year.

The committee gave favorable consideration to my recommendation to increase the income tax on corporations from 3% to 5%, and my recommendation to lower personal income tax exemptions. The Interim Committee reported out favorably my recommendation to place a 3% sales tax on the sale of all new and used automobiles and trucks; however, the Committee in its report recommended that certain alternatives be considered. One alternative consisted of a proposal to increase the cost of the automobile license and registration fees to the cost of such license and fees in 1951. It is estimated that such a measure would bring in approximately \$8,000,000.00 more per year. It should be noted that before any funds derived from the increase in the cost of licenses and registration fees for automobiles could be used for educational purposes a constitutional amendment would be required and the measure would have to be submitted to the people for a vote. Another alternative was a proposal to eliminate sales tax exemptions on heavy machinery. It is estimated that such a measure would bring in an additional \$18,000,000.00 per year. Another alternative consisted of a proposal to levy a 3% tax on all advertising in newspapers, magazines and on the radio and television. Another alternative consisted of a proposal to increase the tax on liquors and wines.

I respectfully request that you give serious consideration to

the recommendations that I have made and also give careful consideration to the alternatives which have been proposed by your Interim Committee. I have not had ample time since receiving the recommended alternatives of the Committee to study them in complete detail. However, I assure you that if you prefer to pass revenue measures for education other than those I have recommended, I will give them careful consideration and if they are fair, just, and reasonable, I would not veto them. In my opinion the additional \$42,000,000.00 per year for education is vitally needed and the Interim Committee agreed with me on that. I strongly urge you to enact into law my recommendations for the raising of the additional \$42,000,000.00 per year.

The proposal has been advanced by some that the state sales tax should be increased from 3% to 4% to meet the needs of education. The Interim Committee considered this but turned it down. I, too, am opposed to increasing the sales tax. The sales tax is too high already. Such an increase would not be in the best interest of the state and such a measure would place an unreasonable burden on the working man who is already heavily burdened with taxes.

Revenue Bond Issue for School Construction

I recommended the enactment of a law authorizing a revenue bond issue for school construction in the amount of \$75,000,000.00 with \$25,000,000.00 to go to institutions of higher learning and \$50,000,000.00 for elementary and secondary school construction. I recommend that \$200,000.00 be allotted to each county in the state out of the \$50,000,000.00 for school construction, and that the remainder of the \$50,000,000.00 be allotted on a 50-50 matching basis, based on a teacher-pupil unit basis. I further recommend that local school boards be authorized to pay debt service on prior bond issues out of the \$200,000.00 allotted, where such bond issue is not more than three years old. I submitted this recommendation to the Interim Committee on Finance and Taxation and the Committee reported favorably on it. I will include recommendations for appropriations to finance this revenue bond issue in the budget that I will submit to you. My recommendations for appropriations from the Special Educational Trust Fund heretofore set out will include sufficient funds for the financing of this \$75,000,000.00 revenue bond issue for school construction. I recommend that the State Building Commission be authorized to administer the school construction program contemplated by this \$75,000,000.00 revenue bond issue.

Homestead Exemption

I recommend that the Constitution be amended so as to increase the amount of the homestead exemption for ad valorem taxes from \$2,000.00 to \$5,000.00. I believe that the homestead exemption is too low and that it would be equitable to increase the homestead exemption at this time so as to give our home owners some property tax relief. This amendment would cost the state approximately one million dollars per year in ad valorem taxes and must be submitted to the people for a vote.

Bills have been drawn to implement the recommendations that I have made to you and the bills will be introduced at this session.

Ad Valorem Property Taxes

As you know, Alabama law specifies that real property be assessed at 60% of the fair and reasonable market value. In many instances, we have found assessments much higher than 60%. More often, we have discovered assessments at only a small fraction of the actual market value. Moreover, there is a widespread variance within and between counties in the assessing of property. This, of course, results in favoritism toward some and discrimination toward others.

The State Department of Revenue is undertaking an impartial and equitable program of ad valorem tax equalization. We hope to effect this uniform tax program with all property owners shouldering their fair share of taxes and no more. To aid in carrying out our equalization program, we are asking an additional appropriation for the Department of Revenue, and this increase is included in our budget request.

The ad valorem tax, as you know, is a method of distributing the cost of government in proportion to the value of the property protected by the government. Alabama's ad valorem tax is also a boon for local self-government. Our equalization program will result in a substantial increase in revenues to the state, with more than 90% going directly to the county and municipal governments to be used locally. This, in my opinion, will go a long way toward solving the long-range problems of school financing. Also, it will enable the local communities to participate more and more in projects of local interest. The Alabama Education Commission, after months of exhaustive study, recommended in its report that a realistic program of property tax equalization be undertaken and that the Department of Revenue be strengthened for that purpose.

EDUCATION

As you well know, we now have an emergency existing in our school system. The schools are faced with a financial crisis. We desperately need many new school buildings, additional classrooms and other facilities. We must provide higher pay for our teachers. We must stand up and meet this challenge head-on or see our school system go under. We owe it to our children to face this problem realistically and solve it. I have heretofore set out my recommendations to you which I think will substantially solve the educational problem in this state. There is no question about the need—everybody recognizes that. Again, I strongly urge you to enact into law the recommendations I have made to you for education. I hereby call upon you and all the citizens of this state who are interested in good schools and in educating their children, to stand up with me now and be counted. There are forces at work in this state who for their own selfish gain and personal motives are working night and day to prevent us from doing anything for education. Beware of these people.

I recommend the enactment of a law requiring that all members of the State Board of Education be elected by a vote of the people. One member of the State Board should be elected from each Congressional District. I further recommend that the State Board of Education be authorized by law to appoint the State Superintendent of Education. Under any law it should be provided that the Governor shall serve as ex-officio chairman of the State Board of Education. I recommend this because I feel that the State Board of Education which is charged with administering the state education system and with setting our educational policies should be closer to the people.

I further recommend the enactment of a law placing our state colleges under the control of Boards of Trustees if they are not now under Boards of Trustees, with the exception of the negro colleges. I make this recommendation because I see the need for further decentralizing control over our colleges due to continued attacks by race agitators to integrate the schools of the South. This decentralization will make it more difficult for these agitators to attack more than one college at a time. I feel that the negro colleges should remain under the control of the State Board of Education. You should also consider the advisability of placing the State Trade Schools under separate boards of trustees for the same reason. Recent attempts have been made by negroes to gain admission to the white State Trade School at Mobile. The members of the boards of trustees for the state

colleges should be appointed by the Governor for fixed and staggered terms and the Governor should serve as ex-officio chairman of the board in each case.

I want to reiterate my strong stand against the integration of the races in the public schools of this state. We all know that our people will not tolerate nor finance an integrated school. We realize our duty to provide the best education we possibly can to both the white and negro students. We fully intend to provide each an equal education, but it must be separate. I will use every power available to resist any attempt by the federal government or anybody else to force integration upon us, and before we submit to integration in any public school of this state, I recommend that we close that school. I am absolutely and unequivocally opposed to any integration of the races, and before I would submit to it, I would scrap the public education system of this state and go to private schools. As long as the negro citizens of this state will work with us toward having good, equal and segregated public schools for all of our children, I am willing to put my shoulder to the wheel and do everything within my capacity to provide good education for all our children. But, if they turn against us and try to force integration upon us, I am opposed to giving a single penny to the operation of an integrated school. I, therefore, recommend that you enact law authorizing the Governor to close any public school where federal forces are used to force integration in that school, and further authorizing the Governor to cut off all state funds going to any such school. This law should be supplemental and in addition to the other laws that are presently in existence authorizing the closing of public schools by local school boards. Such a bill will be submitted to you during this session.

I wish to say this to the educators of our state—that you have an obligation to use the tax money that is appropriated to you in such a way as to get the greatest good out of every dollar for our people. You must take a long, hard look at yourself and your operations, and strip out any non-essential program that you might have, and eliminate all waste and overlapping. This money that is appropriated to you is hard to come by, and the needs of education are getting so great that the people are finding it difficult to finance your needs. Therefore, if we expect to continue to meet the needs of education, within our capacity to do so, you are going to have to make every dollar count.

There exists a state of emergency in our education system and for that reason I believe that we should give serious considera-

tion to calling a special session of the Legislature to consider only the needs of education. I, therefore, recommend that you take prompt and immediate action in this regular session to pass the general appropriation bill for the next biennium. I strongly recommend that you enact the general appropriation bill as recommended to you by your Interim Committee on Finance and Taxation without any amendments. After the general appropriation bill is enacted into law and you feel that we need a special session for education, if you will then recess this Regular Session, I will promptly issue a proclamation calling you into Special Session to consider matters pertaining to education only. It is necessary that the general appropriation bill be passed before a special session is called as it is imperative that we know what the appropriations to the various state departments will be for the next two years so that we can lay out our programs and formulate our plans.

REAPPORTIONMENT

As all of us know the Alabama Constitution requires the Legislature to reapportion its membership on a population basis every ten years. It is to the dismay of a majority of our people that the Legislature has thus far been remiss in this duty. In my campaign for Governor, I strongly advocated a fair reapportionment of the Legislature. My promise to work for this principle was hopefully received by our citizens.

The subcommittee on reapportionment of the Legislative Interim Committee on Revision of Laws reported to and obtained the approval of the whole committee of a bill calling for the necessary constitutional amendments to effect a proper reapportionment of the Legislature.

The dictates of good government, a decent respect for the principles of the democratic process, and the fond hopes of our people for half a century—compells me to earnestly solicit the enactment of this measure.

HIGHWAYS

The financial condition of the Highway Department is excellent. There are sufficient revenues from present taxes coming into the Highway Department to finance our entire road program during my administration and leave the next administration that follows me in excellent financial condition. Our budget in the Highway Department provides adequate funds for maintenance, for 100% state construction and secondary road programs, for

farm-to-market roads, and federal-state matching projects, including the interstate system. You authorized the issuance of \$60,000,000.00 of Highway Revenue Bonds at the recent Special Session for federal matching purposes. On April 14th, we sold the first \$20,000,000.00 of Highway Revenue Bonds at an interest rate of 3.40% which is an excellent rate and shows the soundness of our decision, and reflects the confidence that the public has in our administration. The last Highway Revenue Bond issue of comparable size which was issued during the last administration was sold at an interest rate of 3.63%.

I want to assure you that we are going to issue these revenue bonds only as needed, always bearing in mind what is to the best interest of our citizens. I want to further assure you that we now have and will continue to have throughout my administration an honest, efficient and economical administration of your Highway Department. The money available will be spent wisely and in the interest of all the people. We are eliminating waste and overlapping in the department and we are buying strictly according to the competitive bid laws. I guarantee to you that we will get a full dollars worth of roads for every dollar spent. I wish to further guarantee that every county, municipality and community in this state will have a good road program during the next four years and will get their fair share of the road money available. The road program during the next four years will be the largest and most progressive that this state has ever seen. More than one half billion dollars will go into highways and roads during my administration. We are assured of a splendid program without any increase in taxes on our citizens and the next administration will be in good shape and will be able to carry on our program without any let-up or interruption. I am grateful to you for enacting our \$60,000,000.00 highway bond issue into law and I know that you are going to be proud that you had a part in this fine road program.

PUBLIC ASSISTANCE

We have a splendid public assistance program in operation in this state. Our Department of Pensions and Security is operating smoothly and efficiently. Even though much progress has been made in this field, much remains to be done. The benefits now paid to our aged citizens, blind, dependent children, orphans and physically handicapped persons are woefully inadequate. It is our duty to adequately provide for these people. One of the leading planks in my platform for Governor was a pledge to increase the old age pensions to an average of \$75.00

per month and substantially increase the payments of the other recipients of public assistance. Our aged citizens who qualify for public assistance helped in their younger days to make this state what it is and we cannot turn our backs on them now.

I will recommend to you in my budget request that you appropriate \$6,921,255.89 from the General Fund for the Department of Pensions and Security for the year 1959-60 and \$8,912,520.07 for the year 1960-61. My recommendation provides for an increase of \$2,386,255.89 for 1959-60 and \$4,377,520.07 for 1960-61 over the amount appropriated by the Legislature for the Department of Pensions and Security for the year 1958-59. This increase is fair and reasonable and will make it possible for us to substantially increase benefits to our aged citizens and other recipients of public assistance. I urge you to adopt my recommendations for this department and I especially urge you not to reduce the appropriations to the Department of Pensions and Security below what I have requested. If you do so, it will make it extremely difficult for me to comply with the wishes of the people in this regard.

It should be borne in mind that the major portion of funds expended by the state for public assistance will be federal funds. During the fiscal year 1958-59 we expect to pay out approximately \$71,000,000.00 for public assistance through the Department of Pensions and Security, of which \$54,000,000.00 comes from the federal government and \$17,000,000.00 from the state.

Taking into consideration the amount of money that I will request from the General Fund, the expected increase in "earmarked" funds for public assistance, and recent favorable federal legislation, I feel confident that we are going to have one of the finest, most progressive public assistance programs during the next four years that this state has ever had.

LAW ENFORCEMENT

We have good law enforcement in the State of Alabama and it shall continue. I want to assure you that throughout my administration the laws of this state will be enforced in every community, equally, fairly and impartially. There is no room in this state for the forces of organized vice and crime to operate and they will be stamped out promptly wherever they attempt to operate. The full weight of the State of Alabama will be brought to bear upon anyone attempting to engage in illegal activities in this state.

I am pleased with the operation of the Department of Public Safety. I think that our highway patrol is doing a splendid job and I am asking for substantial increases in appropriations from the General Fund to the Department of Public Safety so that we can increase the number of highway patrolmen and give our patrolmen needed salary raises. Everything will be done to further improve the morale and efficiency of the Department and we will push to the utmost a realistic program of traffic safety so that we can reduce the number of deaths and personal injuries on our highways.

Our Alcoholic Beverage Control Board is operating smoothly and efficiently and we will carry out in that Department a strong program of enforcement of our liquor laws.

During the time that I was Attorney General I experienced considerable difficulty in enforcing the state laws pertaining to foreign corporations doing business in the state which was mainly due to difficulty in conducting investigations into their activities. I recommend the enactment of a law authorizing the Attorney General of the State to inspect and photostat the records of any corporation, foreign or domestic, doing business in this state. I have prepared such a bill and it will be submitted to you for your consideration. The Attorney General needs this authority in order to better carry out his duties.

We have experienced difficulty in requiring the attendance of out of state witnesses in criminal proceedings in this state. I recommend that you enact into law the Uniform Act to Secure Attendance of Witnesses From Within or Without a State in Criminal Proceedings which will materially assist our law enforcement agencies in carrying out their duties. I have prepared such a bill and it will be presented to you for your consideration.

To further aid our law enforcement agencies, I recommend the enactment of the Uniform Act on Fresh Pursuit. This law will aid our law enforcement officers as well as law enforcement officers of other states in apprehending criminals who flee across state lines. I have prepared such a bill and it will be submitted to you for your consideration.

DOCKS, HARBORS, AND INLAND WATERWAYS

I am pleased to report to you that the State Docks Department is again operating in the "black". In the month of March of this year the State Docks made a net profit of \$87,324.44. The same month a year ago under the prior administration, the State Docks Department showed a loss of \$91,274.34. Thus far this

year the department has made a net profit of \$365,793.51, while last year during the same period, the Department lost \$5,679.42. There is no question but the port of Mobile is a money making business and if properly managed will pay its own way. We have put the State Docks Department back on its feet and I assure you that it will remain that way throughout my administration.

During my administration we will continue to further expand and develop our state docks, harbors and inland waterways. It is my aim to construct inland dock facilities wherever possible and to complete those facilities now under construction. The completion of these docks and further expansion and development of our facilities is essential to the continued growth and prosperity of our state.

Upon assuming office January 20th, 1959, we inherited a debt from the last administration in the State Docks Department of approximately \$1,800,000.00 for work performed and materials furnished for which payment has not been made. There are no funds available to pay this debt at the present time. As far as we can determine, at present, it is a legal obligation of the state. There are three unfinished piers at the State Docks in Mobile which are deteriorating and will continue to deteriorate at an ever increasing rate if not completed. They must be completed as soon as possible. If completed they will be a distinct asset to the state and will eventually pay for themselves by enabling the port to handle more shipping. The inland docks facilities which were placed under construction during the last administration at Decatur, Huntsville and Florence are not complete and no funds exist at the present time to complete them. As you know, a constitutional amendment was passed in 1957 authorizing the sale of \$10,000,000.00 in general obligation bonds for inland docks development. By enabling act the Legislature authorized the sale of \$3,000,000.00 of those bonds. The entire \$3,000,000.00 was spent by the last administration, leaving no funds available at the present time for inland docks development.

It is not possible at this time for the State Docks Department to issue additional revenue bonds due to the statutory limitation of 4% interest placed on the sale of such bonds. In order to permit the issuance of additional revenue bonds for the completion of the piers and other development at the State Docks in Mobile I recommend that you amend the law by removing the 4% interest limitation on the issuance of revenue bonds by the State Docks Department. I further recommend that you pass an en-

abling act authorizing the sale of an additional \$3,500,000.00 of general obligation bonds to allow us to complete the inland dock facilities now under construction and to further develop our inland waterways.

INSURANCE

I want to speak to you briefly about the insurance industry. As I see it, the problem is to maintain stability and public confidence in our insurance industry without unduly hampering the birth and growth of new companies or deterring new investments in existing companies. I want the insurance business to grow with Alabama. Careful administrative supervision and enforcement of the law is the key to this. Our Insurance Department is doing a splendid job and will continue to do so. We are studying the present laws relating to insurance as well as the proposed new Insurance Code. We are examining our insurance laws with a view to seeing that they insure competent and experienced management, strong capital structure, sound investment policies, and responsible and qualified agents. We are making every effort to insure that the interests of policy holders, creditors, and shareholders are fully protected. I shall recommend measures to you during this session which will be designed to achieve these ends.

LABOR

I am a strong believer in and supporter of organized labor. I believe that we have good labor-management relations in the State of Alabama. Our Department of Labor is working continuously to insure harmonious relations between the employers and employees. I will oppose the enactment of any law which is designed to injure or harass labor in any way, and I will not allow any law presently in existence to be used in such a manner as to injure organized labor. My administration is dedicated to serving the working man of the State of Alabama.

PROBATION AND PAROLE

I have recommended substantial increases in the appropriations from the General Fund to the Pardon and Parole Board for the next biennium. I strongly recommend that you adopt these recommendations. Our Pardon and Parole System is an integral part of our law enforcement program. We do not have a sufficient number of probation and parole supervisors working in the field. The case load handled by each supervisor at the present time is far greater than the case load of supervisors in most states in

the nation, and due to this heavy case load the supervisor does not have sufficient time to do any real effective work in helping to rehabilitate the probationer or parolee. The increased appropriation will enable the Pardon and Parole Board to employ additional supervisors to work with the prisoners who are paroled or placed on probation to help them regain their position in society and become useful citizens. By taking this action we will make it possible to place many qualified and deserving prisoners on parole and probation, thus helping the prisoner, reducing the prison population, and reducing the cost to the taxpayer.

REGULATION OF SMALL LOANS

One of the most serious problems in our state is the flagrant violation by loan sharks of our usury laws. They prey upon the working man and his family. Their actions seriously injure the economy of the state. I have waged war against the loan sharks for four years as Attorney General. I have tried to enforce the usury laws through the courts, but have bogged down in endless litigation. We must do something to protect the borrowers and the answer does not lie in litigation. The answer to the problem lies in the Legislature and I hereby recommend that you enact at this session a law properly regulating the lending of money in Alabama. Any small loan law to be effective must have a clear and reasonable rate section, must prohibit all charges not specifically allowed in the Act, must provide a criminal penalty for violation thereof, and it should provide that the lender forfeits all principal and interest if the law is violated, and further, the lender should be required to pay a reasonable attorney's fee to the borrower if the borrower is forced to defend himself against a usurious contract. A subcommittee of the Interim Committee on Revision of Laws headed by the Honorable Bob Gilchrist of Morgan County studied this matter at great length and submitted a proposed small loan regulatory law to the Committee and said proposal was adopted. This committee should be commended for its splendid work in drafting this small loan measure. It is a good law and I heartily recommend it to you. Let's not go home from this Legislature again until we do something about this small loan problem. It is absolutely imperative that we adopt at this session of the Legislature a good small loan law to protect the borrowers of money in this state. Hundreds of thousands of working people of this state who have been victimized by the loan sharks are looking to me and you to do something to help them. Now is our chance. Let's do our duty.

DEPARTMENT OF INDUSTRIAL RELATIONS

The Department of Industrial Relations with upwards of 1,000 employees is operating efficiently and is carrying forward a good program in administering our compensation laws and in other aspects of Industrial Relations. However, to strengthen the effectiveness of the Industrial Relations Department, and to better serve the thousands of people over Alabama who look to this department for compensation benefits and other matters, certain laws governing Industrial Relations need to be changed. These changes are long past due and some of them are necessary in order to prevent the imposition on Alabama of Federal rules and Federal standards, particularly in the unemployment compensation field. We need to increase the maximum weekly benefit amount of our compensation to unemployed persons. We need to give our people a more realistic duration period for drawing their unemployment benefits. We need to shorten the waiting period between the time a person loses his job and the time he gets his first unemployment check. Changes in the Workmen's Compensation Law to better provide for injured employees also need to be made, as well as alterations in the Child Labor Law to better protect our young people. Bills embodying my recommendations in all of these areas of Industrial Relations are being prepared for submission to you. I urge you to give them your best consideration so that your Department of Industrial Relations can more effectively do its job for the people of Alabama.

INDUSTRIAL DEVELOPMENT

It is essential to the prosperity of our people that we work hand in hand toward a balanced economy through the industrial development of our State. To this end, I promise an honest administration which will serve more than anything else to attract new industry to Alabama. Every effort will be made during the next four years to encourage new industry and business to come to Alabama and to encourage further expansion of local industry. In addition, I will ask the Legislature to enact several measures which are designed to streamline our industrial development program.

AGRICULTURE

In spite of our industrial progress, Alabama remains basically an agricultural state. I want to work closely with the Legislature in support of all measures which will provide a healthy climate in which our farmers can thrive and prosper.

I want to assure the farmers of this state that I will work night and day during my administration in their interest. Everything possible will be done to provide a market for the products that they raise and a fair and reasonable price for the things they sell so as to enable them to have a good life for themselves and their families.

CIVIL DEFENSE

In the perilous times in which we live, a strong civil defense program is imperative. It is only good common sense that we be prepared in case of disaster. If we don't have an effective civil defense program when we need it, then it will be too late. Our State Civil Defense Department is doing an excellent job in formulating a state-wide plan of Civil Defense for our protection. We are working closely with the federal government, which bears the brunt of the expense, in working out our civil defense program. We want to prepare ourselves now, while there is time, for any emergency which may endanger our lives and well-being.

TOURISTS

Alabama, as you know, is a scenic state. We have picturesque mountains and valleys, rivers and lakes, and even the Gulf and snow-white beaches—colorful scenes which would delight any sightseer. More tourists are coming to Alabama every year, making the tourist industry all the more important. The tourist income for Alabama last year was some \$120,000,000.00, and we are doing our best to increase this figure. Tourists in our state mean dollars in our pockets. Alabama has what it takes to attract tourists in ever increasing numbers, and we want to encourage more and more people to visit in our state.

ATOMIC ENERGY

The day is rapidly approaching when atomic energy will be converted to peace-time industrial uses. With the great benefits to our economy from this source of power will come many problems as well. The thirteen southern states under the auspices of the Southern Governor's Conference have prepared an interstate compact providing for the development and regulation of atomic energy.

I recommend that you ratify this compact providing the Legislative framework in our state for the Atomic Age to come.

MILITARY

One of the first problems facing me as Commander in Chief of the Alabama National Guard was the reorganization of the Army part of the National Guard along Pentomic lines. This reorganization will enable the Guard in Alabama to conform to the same troop structure as the Regular Army, which completed its reorganization in the fall of 1958. This reorganization is now underway and our 14,000 Army Guardsmen will train this summer at their annual encampments under these new organizations. I am fully aware that this reorganization has not been done without a certain amount of upheaval and changes, which are always difficult, but I am pleased to report that we have a better Guard, a more modern Guard, and one better prepared to perform its mission.

CONCLUSION

Again, I pledge to you my wholehearted support and cooperation in all of your undertakings. We face at this time the greatest challenge and opportunity for service that has ever confronted any citizen of our state. We all know the problems that face us in Alabama. We have the skill, the intelligence and determination to solve them. We must solve them in the interest of all of our people. We must always remember that we represent every individual citizen, and that the action that we take here affects the lives of every person in the state. We must not be motivated by the selfish aims and desires of any particular region or group or interest—we must be motivated only by the desire to do that which will bring the greatest good to all Alabamians, no matter where they live or what they do.

Time does not permit me to report to you in detail on all the State Departments and state programs; however, I would like to say that every state department is exerting every effort to carry out its duties in accordance with the law and to the best interests of the citizens of the state. Our departments are working together and cooperating with each other so as to enable us to have the best possible over-all state administration.

I want to assure you that I am motivated by only one desire and that is to serve the people of my state to the best of my ability. The members of my cabinet and staff feel the same as I. They too stand ready to work with you in every way possible. I want nothing personal for myself. All I want is to have an honest and efficient administration, and to be able to contribute toward building a greater Alabama. We should remember that we are

writing four years in the history books of Alabama and we want it to be a good four years marked by outstanding progress. I want us to move ahead and accomplish great things and I want us to be able to look back in years to come and be able to say that the Patterson administration was an outstanding one.

I am certain that some of us will from time to time have honest differences of opinion, but I am equally certain that there will be no difference in our desire to do the best possible job for the state and its citizens.

Gentlemen, the time has come when we must put aside our personal ambitions and rise to the occasion as statesmen and discharge our duties and responsibilities to the people of Alabama without fear or favor. I have presented the problems that we face to you to the best of my ability. I have made recommendations to you which I think will solve these problems and I urge you to adopt my recommendations. I am ready to work with you in solving these problems. I am willing to meet the problems now. The burden upon us is great and I am willing to share that burden with you. None of us can afford to avoid the duty that is ours and I, for one, do not want to or intend to.

It is my sincere prayer that our efforts be guided by Almighty God throughout our deliberations.

Thank you.

ALABAMA LAWS**and Joint Resolutions****REGULAR SESSION, 1959**

Act No. 1

S. J. R. 1—Caffey

SENATE JOINT RESOLUTION

WHEREAS Frank L. Leatherbury, an outstanding American and Alabamian, recently passed away at his home in Mobile, Alabama

And whereas in the course of his lifetime the said Frank L. Leatherbury devoted untiring efforts to the betterment and welfare of his fellow man

And whereas the said Frank L. Leatherbury by his unselfish interest and devotion did contribute immeasurably to the improvement of his state and county

NOW THEREFORE BE IT RESOLVED by the Senate, the House of Representatives concurring, that the Legislature of Alabama mourns the passing of Frank L. Leatherbury and extends to the members of his family its deepest sympathy

AND BE IT FURTHER RESOLVED that the Legislature of Alabama does adopt this memorial resolution to evidence the esteem with which it regards the memory of the said Frank L. Leatherbury

AND BE IT FURTHER RESOLVED that this resolution be spread upon the pages of the Journals of both houses of the Legislature and a duly executed copy be forwarded to the family of the said Frank L. Leatherbury.

Approved May 13, 1959.

Time: 6:44 P. M.

Act No. 2

H. J. R. 6—Sessions, Oden

HOUSE JOINT RESOLUTION

Whereas, the State of Arkansas has as its chief executive an ardent advocate of states' rights and many other principles of government to which Alabama and the other Southern States are irrevocably dedicated; and

Whereas, the esteemed Governor of Arkansas is one of the most forceful, courageous and able leaders in the South's struggle to resist the ever-increasing encroachments of the Federal Government and to maintain the dignity and the sovereignty of the states; and

Whereas, many of the problems which the Governor of Arkansas has recently met in a highly commendable, forthright, and fearless manner are common to Alabama and will, no doubt, very soon confront Alabama's Governor and Alabama's Legislature; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, that an invitation from the Governor and the Legislature of Alabama is hereby extended to Governor Faubus to address a joint session of the two Houses of the Legislature of Alabama at a time and on such subject as may be agreeable to him.

BE IT FURTHER RESOLVED that the Governor is hereby respectfully requested to transmit this invitation from Alabama's Governor and Legislature to Governor Faubus, and to report to the Legislature the date and hour at which it will be convenient for Governor Faubus to honor this body.

Approved May 13, 1959.

Time: 6:45 P. M.

Act No. 3

H. J. R. 10—Cabiness

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. The portion of State Highway No. 35 from the B. B. Comer Bridge to the intersection of this highway with County Road No. 67, and the portion of County Road No. 67 from said intersection to the municipality of Langston, all lying within the county of Jackson, is hereby designated and shall be known as "The John B. Benson Road," in honor of Senator John B. Benson, who was a great friend of the people of Jackson County.

2. The State Highway Department is authorized and directed to cause to be erected and maintained at all times along the highway route herein described appropriate signs or markers designating the name of such route as herein provided.

Approved May 20, 1959.

Time: 9:00 A. M.

Act No. 4

H. J. R. 5—Jones (Covington), Boyd, Bassett, Britton, Pierce, Dickson, Taylor, Brannan, Brooks, Owens, Salter, Rozelle, Adams (Houston), Rogers, Solomon, Chambers, Nichols, Camp, Franklin, Hain, Cook, Turnham, Torbert, Gilmer

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

1. That the Legislature of Alabama hereby requests the athletic departments, or other appropriate officials, of the Alabama Polytechnic Institute and the University of Alabama to make every possible effort to have the annual football game between these two schools televised for the convenience and enjoyment of the great number of Alabama citizens who are unable to attend the game because of a scarcity of tickets in those years in which there is a sellout.

2. That the Clerk of the House transmit copies of this resolution to the heads of the athletic departments of the Alabama Polytechnic Institute and the University of Alabama.

Approved May 20, 1959.
Time: 9:04 A. M.

Act No. 5

H. J. R. 16—Grouby, Nichols

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature notes with deep regret the untimely death of Hon. J. B. King, State Purchasing Agent, a valued public servant, whose passing is deeply mourned.

RESOLVED FURTHER, That the Clerk of the House be directed to send a copy of this resolution to the surviving widow.

Approved May 20, 1959.
Time: 9:05 A. M.

Act No. 6

H. J. R. 18—Callahan, Ferguson, Thomas

HOUSE JOINT RESOLUTION

Whereas, Dr. William Claire Menninger, physician, surgeon, teacher, lecturer, and noted psychiatrist, the holder of many academic and honorary degrees, a noted author, a member of and active worker in numerous humanitarian organizations, and the recipient of the Lasker Award (for outstanding reporting on medical research and public health), the Great Living Americans Award of the United States Chamber of Commerce, and several citations for meritorious military service, is truly an outstanding American, who in each of his many fields of endeavor, and particularly in the field of mental health, has made notable contributions to the health, welfare and happiness of his fellowmen; now therefore:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE OF ALABAMA CONCURRING, That an invitation is hereby cordially extended to Dr. William C. Menninger of Topeka, Kansas, to speak to a joint meeting of the two Houses of the Legislature on Friday, June 26 at 12:30 p.m., on a subject of his own choice.

BE IT FURTHER RESOLVED that the Clerk of the House shall transmit, or designate a member of the House, the Secretary thereof, or some other person to transmit, this invitation to Dr. Menninger.

Approved May 20, 1959.

Time: 9:06 A. M.

Act No. 7

H. 11—Smith (Russell), Pierce, Boyd, Roberts, Ferguson, Ingram, Oden, Pruitt

AN ACT

To make an additional appropriation for payment of expenses of the Legislature incurred during the fiscal year ending September 30, 1959.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, for the payment of the expenses of the Legislature incurred during the fiscal year ending September 30, 1959. The appropriation herein made is in addition to all other appropriations heretofore made for the purpose herein stated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 26, 1959.

Time: 8:25 A. M.

Act No. 8

H. J. R. 21—Thomas, Callahan, Ferguson

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that Dr. Sid Tarwater, head of Bryce's Hospital, former Senator Skidmore and Mr. James K. Williams, head of Mental Health of Alabama, be invited as special guests of the Legislature at the joint session of the House and Senate on June 26, 1959, to hear Dr. W. C. Menninger.

Approved May 26, 1959.

Time: 8:26 A. M.

Act No. 9

H. J. R. 24—Grant, Nettles, Daniel, Adams
(Tallapoosa), Boyd, Pierce,
Bailey, Goldthwaite, McCor-
quodale, Bounds, Gilchrist,
Smith (Russell)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature do hereby express their appreciation to Judge Winston Stewart and the Association of County Commissioners and Probate Judges for the fine professional cards which they have so generously furnished to each member of the House and Senate.

Be it further resolved, that the Clerk of the House transmit a copy of this resolution to Hon. Winston Stewart, executive secretary of the Association of County Commissioners and Probate Judges.

Approved May 28, 1959.

Time: 2:30 P. M.

Act No. 10

S. 58—Givhan

AN ACT

To amend Act No. 151, S. 198 which became an Act on July 20, 1955 (Acts of Alabama, Organizational Special Regular Sessions, 1955, Volume I, P. 396), which Act authorizes The Court of County Revenues of Dallas County, Alabama, to expend county funds for purposes not otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 151, S198 which became an Act on July 20, 1955 (Acts of Alabama, Organizational Special Regular Sessions, 1955, Volume I, P. 396), which authorizes The Court of County Revenues of Dallas County to expend county funds for purposes not otherwise provided by law, is hereby amended to read as follows:

"Section 1. The Court of County Revenues of Dallas County, Alabama, is hereby authorized and empowered to appropriate out of any moneys in the county treasury not otherwise appropriated, and to expend not exceeding the sum of Six Thousand Dollars (\$6,000.00) per annum for any purposes, not otherwise provided for by law, that in their judgment are worthy and for the best interest of the county, the fund hereby authorized to be known as the 'Contingent Fund'. Provided, however, the expenditure herein provided shall first be authorized by the governing body of the county in a resolution spread upon its minutes.

"Section 2. Under the provisions of Section 1, not more than Six Thousand Dollars (\$6,000.00) shall be appropriated and expended in any one year; and should any sum or sums remain unexpended in said fund at the end of the year, only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the Contingent Fund up to the sum of Six Thousand Dollars (\$6,000.00)".

Section 2. This Act shall go into effect on October First, 1959.

Approved May 29, 1959.

Time: 11:36 A. M.

Act No. 11

S. 59—Givhan

AN ACT

To fix the compensation of the Probate Judge, Tax Collector, Tax Assessor, Sheriff, Clerk and Register of the Circuit Court, and Members of The Court of County Revenues of Dallas County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the Probate Judge, Tax Collector, Tax Assessor, Sheriff, Clerk and Register of the Circuit Court and Members of The Court of County Revenues of Dallas County, Alabama shall be as follows:

Probate Judge	\$11,000.00
Tax Collector	9,000.00
Tax Assessor	9,000.00
Sheriff	9,000.00
Clerk and Register of the Circuit Court.....	9,000.00
Each Member of The Court of County Revenues....	2,400.00

In addition the compensation hereinabove fixed for Members of The Court of County Revenues, each of said Members shall be entitled to six hundred dollars (\$600.00) per annum as an expense allowance, payable in equal monthly installments.

Section 2. This Act is passed pursuant to a constitutional amendment ratified by the Voters of the State of Alabama at an election held on December 17, 1957, and proclaimed by the Governor to be a part of the Constitution of Alabama on December 27, 1957, by Proclamation No. 24.

Section 3. That all laws, General, Local or Special, dealing with the compensation of any of the officers mentioned in this Bill, be and the same are hereby repealed.

Section 4. The provisions of this Act shall be retroactive, and the compensation of the officers herein named shall go into effect on January 1, 1959.

Approved May 29, 1959.

Time: 11:35 A. M.

Act No. 12

H. 25—Glass, Taylor

AN ACT

Relating to and providing for the reidentification of voters in Butler County; directing the board of registrars to purge the lists of registered voters; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Butler County is hereby directed to purge all lists of the registered electors of Butler County to the end that the names of all who are deceased or non-residents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars of Butler County shall omit and remove from the lists of qualified electors of the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1962; provided, however, that no one who has registered as a qualified elector of the county since January 1, 1959, shall be required to reidentify himself. No person removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector, nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote at elections held in the county after the first day of October, 1962.

Section 3. A qualified elector may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of Butler County, or before one of the duly authorized employees of the judge of probate, and answering such questions and submitting such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence and that the voter has not become disqualified from voting in the county.

(b) He may also reidentify himself at any election at which the voter votes prior to October 1, 1962, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) A qualified elector who is on active duty in the Armed Forces of the United States, or the husband or wife of a member

(d) The board of registrars shall furnish a sufficient number of blank questionnaires to the judge of probate, and also to the sheriff, party executive committee, or other officer, agency, or committee charged with the duty of sending out election supplies, who shall cause a sufficient number thereof to be sent to each voting place at each election to be held prior to October 1, 1962.

(e) The questionnaire shall be in substantially the following form:

Butler County, Alabama

Date: _____, 19____

Name: _____

(First)

(Middle)

(Last)

Legal Residence Address: _____
(Street or Route)

City or Town: _____

City of Lowell
State:

Date of Birth: _____ Sex _____ Color _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, and I have not been disqualified from voting in the county.

I have resided in Precinct or Beat No. for the past three months.

Signed: _____

(Signature of Voter)

Witnessed before me this the _____ day of _____,
19_____.

Registrar—Judge of Probate—Election Official—
Commissioned Officer U. S. Armed Forces.

Section 4. Any qualified elector of Butler County who shall have his or her name omitted or removed from the lists of qualified electors in the county by reason of his or her failure to re-identify himself or herself as hereinabove provided, or whose name is otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself or herself in person at the office of the board of registrars or judge of probate in the manner

hereinabove provided. However, after September 1, 1962, every qualified elector must have reidentified himself or herself at least thirty days prior to voting.

Section 5. Whoever knowingly makes a false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the judge of probate or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Armed Forces, is guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 6. The court of county commissioners, board of revenue, or like governing body of Butler County, is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help and advertisements necessary for the reidentification of voters as herein provided.

Section 7. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty days per annum, in excess of the maximum now provided by law for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 1, 1959.

Time: 11:21 A. M.

Act No. 13

H. 29—Ingram

AN ACT

To alter, re-arrange and extend the boundaries of the town of Ashland in Clay County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the town of Ashland in Clay County are hereby altered, re-arranged and extended so as to include within the corporate limits of said municipality all the territory now lying within such boundaries and the following described lands in addition thereto, to wit:

Commencing at a point on the East City Limit Line on the South line of Section 16 Tn 20S, R8E in Clay County, Alabama, thence North along the City Limit Line a distance of 660 feet, to a point, the point of beginning. Thence North 2640 feet to a point, thence West 3300 feet to the Northeast corner of the City Limit Line in Section 17 Tn 20S, R8E, thence South along present City Limit Line a distance of 660 feet, thence East along present City Limit Line a distance of 1320 feet, thence South along present City Limit Line a distance of 660 feet, thence East along present City Limit Line a distance of 1320 feet, thence South along present City Limit Line a distance of 1320 feet, thence East along present City Limit Line a distance of 660 feet, to the point of beginning.

Said plot containing 100 acres more or less, with 80 acres being in the West $\frac{1}{2}$ of Section 16, and 20 acres being in the East $\frac{1}{2}$ of Section 17, Tn 20S, R8E in Clay County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 1, 1959.
Time: 11:22 A. M.

Act No. 14

H. 45—Faulk

AN ACT

To authorize the governing body of Geneva County to provide from the county general fund for payment of, and to fix, the salary of an additional deputy sheriff, to be appointed by the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Geneva County is hereby authorized to provide from the county general fund for payment of, and to fix, the salary of an additional deputy sheriff, to be appointed by the sheriff. The salary of such deputy may not exceed Three Thousand Dollars (\$3,000.00) per annum.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 1, 1959.
Time: 11:20 A. M.

Act No. 15

H. J. R. 26—Bailey, Goodwyn, Goldthwaite, Pierce

HOUSE JOINT RESOLUTION

WHEREAS, CAPTAIN NORMAN LEE BARR, distinguished native son of Myrtlewood, Alabama, has brought great honor to his state through outstanding contributions to the field of medicine, aero-dynamics and astronautics in the development of instantaneously available scientific measurements of multiple items of physiological data simultaneous with aeronautical or astronautical operations on a world-wide basis, and,

WHEREAS, Captain Barr, a doctor of medicine and naval aviator, through his scientific research conducted for the United States Navy, has contributed knowledge to the field of medicine which will lead to mammoth advances in that field in this Atomic Age, and,

WHEREAS, the citizens of the State of Alabama desire to publicly acknowledge the accomplishments of Captain Barr.

Now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THERETO CONCURRING:

1. That the members of the Legislature do hereby commend Captain Norman Lee Barr for his scientific contributions to the field of medicine and for the demonstrations of those contributions to the people of Alabama, and this nation, in his appearance at the Second Annual Conceptual Symposium of the Atomedic Research Center in Montgomery, Alabama, on March 18-20, 1959.

2. That the Clerk of the House of Representatives cause duly authenticated copies of this Resolution to be delivered to the United States Navy and to Captain Barr forthwith.

Approved June 1, 1959.

Time: 11:25 A. M.

Act No. 16

S. 114—Samford

AN ACT

To propose an amendment to the Constitution relating to the levy and collection of special property taxes for educational purposes in the City of Opelika and in the territory of Lee County exclusive of Auburn and Opelika.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof

when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

Proposed Amendment

"The court of county commissioners, board of revenue or like governing body of Lee County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the corporate limits of Auburn and Opelika, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Auburn and Opelika, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Auburn and Opelika shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III, Article XIX, of the Constitution of Alabama. The tax on property situated outside the corporate limits of Auburn and Opelika shall be collected in the same manner and under the same requirements and laws as the taxes of the State are collected, and the revenues derived from such tax shall be used solely for school construction and other educational purposes in the territory of the county outside the corporate limits of Auburn and Opelika.

"The City of Opelika shall likewise have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property situated within the corporate limits of the city, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on property situated within the cor-

porate limits of Opelika shall be ordered and held in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The additional tax, authorized by this amendment to be levied on property situated within the corporate limits of Opelika, shall be collected in the same manner and under the same requirements and laws as other taxes levied on property by the City of Opelika are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the limits of the City of Opelika.

"If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

"Nothing contained in this amendment shall be construed to authorize the levy and collection of an additional tax on property situated within the corporate limits of the City of Auburn.

"This amendment shall be self-executing."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate May 26, 1959.

Passed the House June 2, 1959.

Act No. 17

H. J. R. 27—Reynolds (Madison), Roberts

HOUSE JOINT RESOLUTION

Whereas, the future security of our Nation may depend on the ability of this country to command outer space, and there is a crying need for a public awareness of this fact; and

Whereas, the United States Army Ordnance programs in the rocket, guided and ballistic missiles and outer space fields are of vital importance to all people of the Nation, but particularly to Alabamians, since much of the study and scientific progress in

these fields have been accomplished at Redstone Arsenal near Huntsville, Alabama; and

Whereas, Major General John Bruce Medaris, a man who has been widely acclaimed for his great contributions in these fields, who has been awarded many honorary degrees, citations for outstanding scientific accomplishments and medals for distinguished and meritorious service during a long career in the armed forces of this country, who was the first Commanding General of the Army Ballistic Missile Agency, with responsibility for development and production of the Jupiter IRBM Missile System and weaponization of the Redstone Ballistic Missile System, who was also responsible for the launching of the Free World's first earth satellite, "Explorer I," and who is now Commanding General of the United States Ordnance Missile Command with Headquarters at Redstone Arsenal and by virtue of this position directs all Army Ordnance programs in the rocket, guided and ballistic missiles and outer space fields; now therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING:

That a cordial invitation is hereby extended to General Medaris to speak to a joint session of the two Houses of the Alabama Legislature on Tuesday morning, June 23, at eleven o'clock, on the subject of rockets, guided and ballistic missiles and any and/or all other fields of progress relative to outer space.

Be It Further Resolved that the Clerk of the House of Representatives transmit this invitation to General Medaris.

Approved June 4, 1959.
Time: 9:09 A. M.

Act No. 18

H. J. R. 30—Callahan

HOUSE JOINT RESOLUTION

WHEREAS, the legislature has learned with deep pride of the courageous display of heroism by a 24 year old citizen of Tuscaloosa, in rescuing three people from drowning in the treacherous waters of the Black Warrior River on May 27, 1959, and

WHEREAS, this young man, David Cheatham, in utter disregard of his own personal safety and with great risk to his life, and without hope of reward, dived into the deep and swift waters of the Black Warrior River, and rescued W. J. Marqua, Mrs. Marie Daugherty, and her little six year old daughter, Anna Lee,

and carried each of them safely to shore, before he, himself collapsed from sheer exhaustion; and

WHEREAS, this display of courage and chivalry is in keeping with the finest traditions of Southern manhood, and is noted with deep pride and satisfaction by this Legislature:

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that we do commend this gallant young man from Tuscaloosa, and do wish for him many long and useful years of life, filled with much happiness and success.

BE IT FURTHER RESOLVED, that the Clerk of the House be instructed to forward a copy of this resolution to David Cheatham, 33 Durret Drive, Tuscaloosa, Alabama.

Approved June 4, 1959.

Time: 9:10 A. M.

Act No. 19

H. J. R. 31—Reynolds (Chambers)

HOUSE JOINT RESOLUTION

Whereas the neighboring State of Georgia is faced with many of the same problems which confront the Legislature of Alabama; and

Whereas the Honorable Garland T. Byrd, Lieutenant-Governor of this sister State is an eloquent speaker familiar with the problems common to this State and his; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, that a cordial invitation is hereby extended to Governor Garland T. Byrd of Georgia to address a joint session of the two houses of the Alabama Legislature at a time which suits his convenience and on a subject of his choice.

BE IT FURTHER RESOLVED that a committee of two, one a member of this House appointed by the Speaker and one member of the Senate appointed by the President of the Senate, be authorized and directed to transmit this invitation to Governor Byrd and to report back to the Legislature the arrangements made for his address.

Approved June 4, 1959.

Time: 9:11 A. M.

Act No. 20

H. J. R. 33—Nettles

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING,

That the Legislature and the members thereof are deeply appreciative of the fine service rendered by Mr. Kenneth Underwood and the Southern Bell Telephone and Telegraph Company in the preparation and publication of a telephone directory for the 1959 Legislature, and grateful thanks are extended for this convenience provided the members and legislative officers and agencies.

Approved June 4, 1959.

Time: 9:12 A. M.

Act No. 21

H. 28—Reynolds (Chambers),
McClendon (Chambers)

AN ACT

To amend Section 1 of the act approved September 9, 1955, authorizing the clerk of the circuit court of Chambers County to appoint a deputy clerk (Act No. 502, H. 1008, Acts 1955, Vol. II, p. 1150).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of the act approved September 9, 1955, authorizing the clerk of the circuit court of Chambers County to appoint a deputy clerk (Act No. 502, H. 1008, Acts 1955, Vol. II, p. 1150) is amended to read as follows:

"Section 1. The clerk of the circuit court of Chambers County, Alabama, is hereby authorized and empowered to appoint a deputy, if in his judgment that is necessary to the proper functioning of his office, such deputy to serve at the will and pleasure of the clerk, who shall fix his compensation at not less than twenty-four hundred nor more than thirty-six hundred dollars per annum. The compensation of said deputy so appointed shall be paid out of the general fund of Chambers County, in equal monthly installments, on warrants drawn by the court of county commissioners, board of revenue, or like governing body of the county. The deputy shall be required to give bond in the penal sum of twenty-five hundred dollars, and the premiums thereon shall be paid by the county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1959.

Time: 9:13 A. M.

Act No. 22

H. 63—Turner

AN ACT

To permit any state bank having its principal place of business or a branch place of business or office in Limestone County to establish one or more branches, or additional offices or places of business, for the receipt of deposits, payment of checks, lending of money, and doing a general banking business, subject to the approval of the State Superintendent of Banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any state bank having its principal place of business or a branch office or place of business in Limestone County, Alabama, may establish, maintain, and operate within the limits of Limestone County one or more branches, or additional offices or places of business, for the receipt of deposits, payment of checks, lending of money, and the doing of a general banking business, provided that such bank before the establishment of any such branch, or additional office or place of business, shall first secure the written consent thereto of the Superintendent of Banks of the State of Alabama.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1959.

Time: 9:14 A. M.

Act No. 23

S. 93—Cooper and Gaither

AN ACT

To further amend Title 37, Section 255, Code of Alabama 1940, to provide that revenue bonds issued by municipalities shall be payable in annual installments, the first of which shall be payable not more than three years after the date of such bonds and the last not more than fifty years after their date.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 37, Section 255 be and the same hereby further amended to read as follows:

“(a) The following provisions in this subsection (a) shall apply to bonds authorized at any election held prior to June 30, 1945, and, in any case where an election is not required, to bonds

authorized by resolution or ordinance duly adopted prior to June 30, 1945, by the proper governing body: All bonds issued under this chapter, except bonds issued under sections 293-307 of this title and except funding, refunding, and revenue bonds, shall be payable in annual installments, the first of which shall be payable not more than three (3) years after the date of the bonds, and the last within the period of usefulness of the improvement or property for which the bonds are issued as estimated under the provisions of section 256 of this title. No such installment shall be more than twice as large as the smallest prior installment of the same issue. Funding or refunding bonds may be made payable at such time or times, not more than thirty (30) years from the date thereof, as may be fixed in the proceedings authorizing their issuance, and they may be made redeemable at such price or prices and under such terms and conditions as may be set forth in such proceedings and briefly recited on the face of the bonds.

(b) The following provisions in this subsection (b) shall apply to bonds authorized at any election held on or subsequent to June 30, 1945, and in any case where an election is not required, to bonds authorized by resolution or ordinance duly adopted on or subsequent to June 30, 1945, by the proper governing body: All bonds issued under this chapter, except bonds issued under sections 293-307 of this title, and except funding, refunding and revenue bonds, shall be payable in annual installments, the first of which shall be payable not more than three (3) years after the date of the bonds, and the last of which shall be payable not more than thirty (30) years after the date of the bonds; provided, that if such bonds shall be issued for the purpose of acquiring property or making improvements then the last installment shall be payable within the period of usefulness of the improvement or property for which the bonds are issued as shall be estimated under the provisions of section 256 of this title; provided further that, the first of such annual installments may be made payable not more than five (5) years after the date of the bonds in any case where more than thirty-five per centum of the principal of all outstanding bonds of the city or town issuing the bonds is payable within five (5) years after the date of the bonds proposed to be issued. All funding and refunding bonds shall be payable in annual installments, the first of which shall be payable not more than three (3) years after the date of such bonds and the last not more than thirty (30) years after their date. All revenue bonds (being those payable solely out of revenues to be derived from the property or improvement with respect to which they are issued, but not including bonds issued under section 299 of this title) shall be payable in annual installments, the first of which shall be payable not more than three (3) years after the date of such bonds and the last not more than fifty (50) years after their date; provided, that the last such installment shall be payable within the period of usefulness of the improvement or property

for which such bonds are issued as shall be estimated under the provisions of section 256 of this title. No installment on principal coming due in any successive twelve (12) months' period shall be more than two (2) times as great as the smallest installment of principal coming due on bonds of the same issue in any prior successive twelve (12) months' period, except that with respect to revenue bonds no installment of principal coming due in any successive twelve (12) months' period shall be more than three (3) times as great as the smallest installment of principal coming due on revenue bonds of the same issue in any prior successive twelve (12) months' period."

Section 2. This Act shall become effective upon its approval by the Governor or by its otherwise becoming a law.

Approved June 4, 1959.

Time: 9:15 A. M.

Act No. 24

H. J. R. 34—Callahan, Ferguson, Hocklander,
Murphy, Phillips, Ashworth,
Pruitt, Harvey, Branyon, Speaks,
Martin

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That the members of the Legislature have learned with deep regret of the death in Tuscaloosa of that outstanding social and civic leader, Mrs. Lua Caulkins Gallalee, wife of Dr. John M. Gallalee, President Emeritus of the University of Alabama, and mother of The Honorable Jack C. Gallalee, a former representative from Mobile County in the Legislature, and extend their most sincere sympathy to Dr. Gallalee and the members of his family for their great loss.

Be it further resolved that a copy of this resolution be forwarded to Dr. John M. Gallalee and to Honorable Jack C. Gallalee.

Approved June 4, 1959.

Time: 9:06 A. M.

Act No. 25

H. J. R. 35—Turnham, Torbert, Rogers,
Ferguson, Goodwyn

HOUSE JOINT RESOLUTION

WHEREAS Auburn's Milton Taff, one of Alabama's outstanding young men is a candidate for President of the United States Junior Chamber of Commerce; and

WHEREAS, the said Milton Taff is presently serving as a National Vice President of Jaycees and has performed his duties with devotion and distinction; and

WHEREAS, the election of Mr. Taff as President of the national organization of Jaycees would be deemed an honor to the State as well as a personal honor for Mr. Taff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses thereof concurring, That this body warmly commends Mr. Milton Taff on his achievements and civic worth and extends him best wishes for success in his campaign.

Be it further resolved that a copy of this resolution be forwarded to Mr. Taff.

Approved June 4, 1959.

Time: 9:05 A. M.

Act No. 26

S. 22—Leonard

AN ACT

To amend Act No. 733, H. 1077, Regular Session 1951, which created and established in Talladega County the court known as the Intermediate Court of Talladega County, Alabama (Acts 1950-1951, Vol. II, p. 1281); changing the jurisdiction of the court for violations of rules of the road and for other misdemeanors defined or provided for in Title 36, Code 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 733, H. 1077, Regular Session 1951, an act which created and established for Talladega County a court known as the Intermediate Court of Talladega County, Alabama (Acts 1950-1951, Vol. II, p. 1281), is amended to read as follows:

"Section 8. Criminal Prosecutions. (a) Prosecutions may be commenced in such court upon the sworn complaint made to the judge of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty, or upon sworn complaint made as prescribed by Code of Alabama 1940, Title 13, Section 327, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

"(b) Warrants issued by justices of the peace within the county for violations of rules of the road and for other misdemeanors defined or provided for in Code of Alabama 1940, Title

36, may be made returnable to the Intermediate Court of Talladega County, and may be tried therein. The jurisdiction of this court with respect to such cases shall not be exclusive, however; the justices of the peace of the county shall have and exercise jurisdiction in such cases as prescribed by the general law. Except as to the trial tax provided for in this Act, the court costs in such cases in the Intermediate Court of Talladega County shall be the same as in the courts of justices of the peace.

“(c) Solicitor. The solicitor in Talladega County shall be the solicitor of the Intermediate Court of Talladega County, and without additional compensation shall attend all sessions of said court and do and perform all duties of a solicitor therein, and in addition shall attend and represent the state at all preliminary hearings therein, and shall do and perform all duties required of a solicitor by the laws of Alabama.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1959.

Time: 9:07 A. M.

Act No. 27

S. 43—Clark

AN ACT

Relating to the holding of elections in Barbour County; authorizing the court of county commissioners, board of revenue, or other like governing body of Barbour County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Barbour County may by resolution or ordinance provide for the purchase, installation, and use of voting machines in all elections held within the county, without first submitting the question of the installation of voting machines to a vote of the qualified electors of the county or of any municipality therein. If voting machines are provided for pursuant to this Act, the purchase, installation, and use thereof shall be governed by the provisions of Article 7 of Chapter 1, Title 17, Code of Alabama 1940, as amended. In its discretion, the county governing body may, from time to time, determine the number of voting machines to be used in elections held within the county and may designate the locations or places within the county where such voting machines shall be used.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1959.

Time: 9:08 A. M.

Act No. 28

S. 103—Roberts

AN ACT

To provide expense allowances for members of the board of revenue, court of county commissioners, or other like county governing body of all counties having a population of not less than 19,200 nor more than 20,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Board of Revenue, Court of County Commissioners, or other like governing body of any county having a population of not less than 19,200 nor more than 20,000, according to the last or any subsequent federal decennial census, shall be entitled to reimbursement for expenses incurred in the performance of his duties, to be paid from the county treasury, an amount not less than seventy-five dollars, nor more than one hundred seventy-five dollars per month, at the discretion of said board of revenue, court of county commissioners, or other like governing body of the county, on warrants drawn in the manner prescribed by law for the payment of his compensation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1959.

Time: 9:07 A. M.

Act No. 29

S. 23—Leonard

AN ACT

Regulating further the compensation of certain officers of Talladega County.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and tax collector of Talladega County are hereby authorized to retain for their own use and

benefit any fee, commission, percentage, or other compensation authorized to be paid to them for assessing or collecting taxes due any city or town within the county, the provisions of any other law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 5, 1959.

Time: 2:00 P. M.

Act No. 30

S. 40—Cooper, Golson, Barnett, Gaither, Wyatt, Eddins, Godfrey, Clark, Robison, Kendall, Samford, Graham, Andrews, Turner, Shelton, Givhan, Webb, Crawford, Farmer, Leonard, Porter, Berryman, deGraffenried, Archer, Green, Roberts, Hines, Wilson, Word, Moses and Dumas

AN ACT

To regulate the sale of brake fluid by requiring registration of the product with the Commissioner of Agriculture and Industries; prescribing the registration fees and requiring a permit authorizing the sale of brake fluid; prohibiting the sale of inferior brake fluids and to authorize the adoption of standards and specifications governing the sale of brake fluids; to prescribe the penalty for violations and prescribing other administration and enforcement procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS—For the purpose of this act the following words shall mean: (1) "COMMISSIONER," shall mean the Commissioner of Agriculture and Industries. (2) "PERSON" Shall mean any individual, partnership, firm, corporation or association. (3) "BRAKE FLUID" Shall mean any and all substances, liquids or preparations used or intended for use as a brake medium, or to be added to a brake fluid in the braking system of any motor vehicle for use in hydraulic brakes. (4) "PACKAGE" Shall mean the immediate container in which the brake fluid is packed for sale but does not include a carton or wrapping containing several packages, nor a tank car or truck.

Section 2. REGISTRATION AND PERMIT,—Before any brake fluid shall be sold, offered for sale, kept for sale or distributed in the State of Alabama, the manufacturer, packer, or distributor thereof shall register the product with the Commissioner

and obtain a permit authorizing the sale of the product. Applications for registration and permits upon forms furnished by the Commissioner shall contain: (1) name, address and location of applicant's brake fluid manufacturing company, packing or distributing establishment and the address of applicant's sales office, if any, in the State of Alabama; (2) the brand name of the brake fluid which applicant proposes to offer for sale or distribution in the State of Alabama; (3) a copy of the label or brand which will be affixed to or imprinted upon packages in which brake fluid will be sold, offered for sale or distribution; (4) a copy of the standards or specifications of the brake fluid, together with such other information as may be required by the Commissioner which is necessary for the enforcement of the provisions of this Act. Registration of a brake fluid as required hereunder shall be renewable annually on or before January 1 of each year and the permit authorizing sale thereof shall be renewable annually on or before that date. The annual registration fee for each brand of brake fluid registered hereunder shall be \$10.00 to be collected by the Commissioner before the product is registered and the permit is issued authorizing sale thereof. Amounts collected hereunder as registration fees and any amount levied as a fine under the penalty provisions of this Act shall be deposited in the State Treasury to the credit of the Agricultural Fund. The Commissioner shall refuse registration of any brake fluid which does not comply with the requirements of this Act.

Section 3. ADULTERATION.—Brake fluid shall be deemed to be adulterated unless it meets the minimum standards for purity and quality as such standards for brake fluid are established by the State Board of Agriculture and Industries under the provisions of this Act. Brake fluid shall also be deemed to be adulterated if it contains any substance or preparation which renders it unsuitable for use as a brake fluid or will impair the normal operation of a hydraulic brake system.

Section 4. MISBRANDING.—Brake fluid shall be deemed to be misbranded if its labeling is false or misleading in any particular and if in package form it does not bear a label containing the name and address of the manufacturer, packer, seller or distributor; an accurate statement of the net quantity of the contents in terms of liquid measure and the words "Brake Fluid" and "Heavy Duty."

Section 5. PROHIBITION.—No person shall sell, offer for sale, keep for sale, distribute or add to the hydraulic brake system of motor vehicles in this State any brake fluid which is misbranded or adulterated, and no person shall sell, offer for sale, keep for sale or distribute any brake fluid in this State unless the manufacturer, packer or distributor thereof has registered the product and obtained a permit as required under the provisions of this Act.

Section 6. RULES, REGULATIONS, STANDARDS AND SPECIFICATIONS.—The Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, shall be authorized to adopt and promulgate by rule or regulation the minimum standards and specifications for brake fluid and such standards and specifications as adopted hereunder shall not be below the minimum standards and specifications established by the Society of Automotive Engineers for heavy-duty type brake fluids No. 70-R-1. Brake fluid shall not be registered for sale or distribution unless such product meets the standards and other requirements adopted hereunder, The Commissioner, with the approval of the Board, shall also be authorized to promulgate and adopt reasonable rules and regulations necessary to carry out the evident intent and purpose of this Act.

Section 7. SUSPENSION, SEIZURE AND CONDEMNATION.—Any brake fluid sold, offered for sale, kept for sale or distributed in this State which is in violation of any of the provisions or requirements of this Act or rules and regulations promulgated hereunder or which is not registered as required hereunder shall be subject to suspension from sale, seizure and condemnation pursuant to the provisions of Section 494 and 495 of Title 2 of the Code of Alabama of 1940. It shall be unlawful and punishable as a misdemeanor for any person to move, transport, sell or in any other manner dispose of any brake fluid after such brake fluid has been suspended or ordered withheld from sale as authorized hereunder without having written authority from the Commissioner, his duly authorized agents or employees.

Section 8. INSPECTION AND TESTING.—The Commissioner, his agents, representatives or employees shall be authorized to enter any establishment where brake fluid is being sold, offered for sale, or kept for sale to examine and inspect the product to determine whether such brake fluid is in compliance with the provisions of this Act. Upon paying, or offering to pay, the value of any specimen or sample, they are authorized to take such specimens or samples for analysis, examination and inspection.

Section 9. SINGLE REGISTRATION.—Whenever a person who manufactures, packs, or distributes brake fluid for sale or distribution in the State of Alabama shall have registered his brand of brake fluid and has obtained a permit as required under the provisions of this Act, no other person shall be required to register the same brand and obtain a permit for the purpose of selling or offering the same brand of brake fluid for sale as it is the intent and purpose hereof to require that the requirements of Section 2 of this Act shall be complied with only once for the sale of the same brand of brake fluid.

Section 10. PENALTY.—Any person who shall sell, offer for sale or distribute any brake fluid in violation of the provisions of

this Act or any person who sells, offers for sale or distributes any brake fluid not registered and approved for sale as required under this Act shall be guilty of a misdemeanor and punished as now prescribed by law for such an offense.

Section 11. SEVERABILITY.—The provisions of this Act are severable. If any section, or other part thereof, is declared to be unconstitutional or invalid such declaration shall not affect the part that remains.

Section 12. EFFECTIVE DATE.—This Act shall become effective on January 1, 1960.

Approved June 5, 1959.

Time: 3:00 P. M.

Act No. 31

S. 56—Samford

AN ACT

To propose an amendment to the Constitution of Alabama relating to the levy and collection of a special property tax for the support and furtherance of education in the City of Auburn.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

Proposed Amendment

“In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, the City of Auburn shall have the power to levy and collect a special property tax, at a rate of not exceeding one-half of one per cent in any one year, on the value of the property in the City, as assessed for state taxation during the preceding year, the proceeds of which tax shall be used exclusively for the support and furtherance of education but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for educational purposes. Any such pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness. Before any such tax may be levied, the maximum rate of such tax, the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the City of Auburn and voted for by a majority of such electors voting at such election. The maximum rate, the purpose or purposes and the duration of such special tax provided for herein may be renewed, extended, revoked, or amended from time to time by like vote of the qualified electors of the City of Auburn; provided, however, that no revocation or

amendment shall be effective as to any tax pledged to the payment of any bonds, warrants, or other evidences of indebtedness. If any proposal to levy a tax is defeated in any election, subsequent elections thereon may be held at any time. Each election held under the provisions hereof shall be ordered, held, paid for, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the Senate as amended May 26, 1959.

Passed the House June 5, 1959.

Act No. 32

S. 12—Robison, Rutledge, deGraffenried, Eddins, Caffey, Word, Turner, Wilson, Kendall, Graham, Samford, Archer and Moses.

AN ACT

To amend Section 4 of Act No. 737, entitled "An Act To provide for the disposition of the revenues derived from the sale of sand and gravel taken from the public water bottoms and State lands not owned, occupied or held in trust by or assigned or dedicated to any department, agency or institution of this State; to further provide for the management of said lands for the purposes of the removal of sand and gravel", approved September 17, 1953, (General Acts of Alabama 1953, Volume II, page 1000).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 4 of Act No. 737, entitled "An Act To provide for the disposition of the revenues derived from the sale of sand and gravel taken from the public water bottoms and State lands not owned, occupied or held in trust by or assigned or dedicated to any department, agency or institution of this State; to further provide for the management of said lands for the purposes

of the removal of sand and gravel.", approved September 17, 1953, (General Acts of Alabama 1953, Volume II, page 1000) be, and the same is hereby amended to read as follows:

"Section 4. The revenues derived from the provisions of this Act shall be deposited into the State Treasury to the credit of the State Park Fund and shall be expended only for the Division of State Parks, Monuments, and Historical Sites in such manner and such amounts as may be provided by the legislature in the general appropriation bill and pursuant to the provisions of Title 55, Chapter 4, Article 3, Code of Alabama 1940, as amended."

Section 2. This Act shall become effective October 1, 1959.

Approved June 9, 1959.

Time: 9:16 A. M.

Act No. 33

S. 16—Robison, Rutledge, deGraffenried,
Eddins, Caffey, Word, Wilson,
Kendall, Graham, Samford, Arch-
er, Moses, and Turner

AN ACT

To amend Section 1 of Act No. 792, entitled "An Act To appropriate to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, the revenue derived from the sale of timber and timber products from lands owned by the Division and revenue derived from the operation of certain facilities within the State Park System. To provide for the expenditure of this revenue. To provide for the time which this Act becomes effective and for other purposes.", approved September 19, 1953, (General Acts of Alabama 1953, Volume II, page 1085).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 792, entitled "An Act To appropriate to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, the revenue derived from the sale of timber and timber products from lands owned by the Division and revenue derived from the operation of certain facilities within the State Park System. To provide for the expenditure of this revenue. To provide for the time which this Act becomes effective and for other purposes.", approved September 19, 1953 (General Acts of Alabama 1953, Volume II, page 1085), be and the same is hereby amended to read as follows:

"Section 1. All the revenues derived from the sale of timber and timber products from lands owned by the Division of State Parks, Monuments and Historical Sites of the Department of Conservation, and the revenues produced from any new facility within the State Park System which is opened or placed in operation during that period of time between the effective dates of the biennial general appropriation bills shall be covered into the State

Treasury to the credit of the State Park Fund of the Department of Conservation and shall be expended only for the Division of State Parks, Monuments and Historical Sites in such manner and such amounts as may be provided by the legislature in the general appropriation bill and pursuant to the provisions of Title 55, Chapter 4, Article 3, Code of Alabama 1940, as amended."

Section 2. This Act shall become effective October 1, 1959.

Approved June 9, 1959.

Time: 9:15 A. M.

Act No. 34

S. 88—Cooper and Gaither

AN ACT

To further amend Act No. 376, approved August 16, 1947 (General Acts of Alabama 1947, page 267) for the purpose of authorizing and empowering the board of directors of any incorporated municipal board to obtain and maintain group life, health, accident and hospitalization insurance for the benefit of certain of its officers and employees, and to provide insured retirement plans for certain of its officers and employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 376, approved August 16, 1947 (General Acts of Alabama 1947, page 267), which was amended by Act No. 146, approved February 24, 1956 (Acts of Alabama, Special Session, 1956, Volume 1, page 210), is hereby further amended to read as follows:

"The council, commission or similar governing body of each municipal corporation; the board of directors of each incorporated municipal board; the court of county commissioners, board of revenue or similar governing body of each county; the board of education of each city; the board of education of each county; and the board of trustees, board of managers, board of control or similar governing body of each state agency or institution of education, learning, training or correction, or for the delinquent, insane, sick, deaf, dumb, blind, needy, juvenile or aged now existing or hereafter established, shall have power and authority to contract for and obtain and maintain policies of group life, health, accident and hospitalization insurance, or any one or more of them, and shall have power and authority to contract for and obtain and maintain individual annuity contracts, retirement income policies or group annuity contracts to provide a retirement plan, for the benefit of such of the officers and employees of such municipality, incorporated municipal board, county, board, agency or institution as may be determined by such governing body and as shall or may elect to accept the same, and who have authorized in writing such governing body to make deductions from their compensation to pay premiums on any such policy or policies if such premiums be payable in whole

or in part by such officer or employee. The term 'insurance', as used in this Chapter 13, includes the term 'annuity', and the term 'policy' includes the term 'contract'."

Section 2. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 9:18 A. M.

Act No. 35

S. 153—Dumas

AN ACT

To amend Section 6 of Act No. 175, S. 280, Regular Session of the Legislature of Alabama of 1951, approved June 29, 1951, Acts of Alabama, 1950-1951, page 416.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 175, S. 280, Regular Session of the Legislature of Alabama of 1951, approved June 29, 1951, Acts of Alabama, 1950-1951, page 416, is hereby amended so as to read as follows:

Section 6. BONDS OF CORPORATION: MUNICIPALITY NOT LIABLE: PROPERTY REVERTS TO MUNICIPALITY WHEN FREE OF DEBT.—

All bonds issued by any such corporation organized or the certificate of incorporation of which is amended under this act shall be signed by the chairman of the board of directors or other chief executive officer and attested by its secretary, and the seal of such corporation shall be affixed thereto; provided that, if authorized by the board of directors of such corporation, said bonds may be executed with an engraved, imprinted, stamped or otherwise reproduced facsimile of any signature or seal in lieu of a manually-made signature or manual impressment of the seal; provided, further, that at least one signature required or permitted to be placed thereon shall be manually subscribed. Any interest coupons applicable to the bonds of such corporation shall be signed by the chairman of the board of directors or other chief executive officer, but a facsimile of such signature may be impressed on any such interest coupon in lieu of his manually signing the same. Any such bonds may be executed and delivered by such corporation at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest payable and evidenced in such manner as may be provided by resolution of its board of directors. Any borrowing may be effected by the sale of such bonds at either public or private sale in such manner and at such price or prices and at such time or times as may be

determined by the board of directors of such corporation to be most advantageous. Any bonds issued by such corporation may thereafter at any time (whether before, at or after the maturity thereof) and from time to time be refunded by the issuance of refunding bonds, which may be sold by such corporation at public or private sale at such price or prices as may be determined by its board of directors to be most advantageous, or which may be exchanged for the bonds to be refunded. The corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary and advantageous in connection with any financing done by it. All bonds issued by such corporation shall be construed to be negotiable instruments although payable solely from a specified source. All debts created and bonds issued by any such corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of any municipality. No municipality shall pledge its faith and credit for the payment of any debt incurred or bonds issued by such corporation. When any such corporation shall have borrowed money and issued its bonds payable from the revenues of its system or systems, it shall charge, collect and account for revenues from the operation of such system or systems sufficient to pay the principal of and the interest on said bonds as such principal and interest respectively mature, to pay the costs of operating and maintaining such system or systems and to create and maintain any reserves or special funds which may be provided for in the proceedings authorizing the issuance of the bonds. Any such corporation shall apply all such revenues in the manner and for the purposes provided for in such proceedings. When the principal of and the interest on all bonds of such corporation payable from the revenues of any system owned by such corporation shall have been paid in full, then title to such system from the revenue of which the bonds are payable shall thereupon immediately vest in the municipality which authorized the incorporation of such corporation and such system shall become the property of such municipality, except as otherwise provided in the next succeeding section of this act. When title to all property owned by any corporation organized or the certificate of incorporation of which is amended under this act shall have vested in the appropriate municipality which shall be entitled thereto under this section and the next succeeding section of this act, then such corporation shall thereupon stand dissolved. The formation of one or more corporations under the provisions of this act shall not prevent the subsequent formation hereunder of another corporation or corporations.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 9:17 A. M.

AN ACT

Relating to the DeKalb County Superior Court, DeKalb County, Alabama: To amend further Section 24 of Act No. 637, S. 472, approved September 18, 1957, which said section of said Act provided for the appointment of a Court Reporter for the DeKalb County Superior Court, and provided the compensation for said reporter, and provided for the payment thereof as set forth on page 956 to 963 of Volume II of the 1957 General Acts of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 24 of Act No. 637, S. 472, approved September 18, 1957, entitled "An Act to establish a DeKalb County Superior Court for DeKalb County; to define its jurisdiction and powers; To provide for its officers; their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; Prescribing rules and procedure of said Court; and to provide for the transfer of cases now pending in the DeKalb County Court to the DeKalb County Superior Court; to provide for the repeal of the DeKalb County Court, DeKalb County, Alabama, as created by Act No. 179 Local Acts, 1927 Legislature, pages 93 to 101 inclusive, as amended; To create a fine and forfeiture fund and to provide for payment of claims, to transfer funds from DeKalb County Fine and Forfeiture Fund to DeKalb County Superior Court Fine and Forfeiture Fund; To provide for a Solicitor for the DeKalb County Superior Court, his term of office and election, compensation and duties; To provide for payment of expenses of said Court out of the General Fund of DeKalb County, Alabama," is amended to read as follows:

"Section 24. The Judge of the DeKalb County Superior Court shall appoint a competent shorthand Court Reporter who shall serve at the pleasure of the Judge, and said Court Reporter shall receive a salary of Thirty Six Hundred Dollars (\$3600.00) per year payable in equal monthly installments out of the general fund of DeKalb County, and said Court Reporter shall receive no other fees or compensation except that said reporter shall be entitled to receive from litigants or their attorneys the same fees and compensation as are now or hereafter received by Circuit Court Reporters for preparing transcripts of evidence in appealed cases and for taking depositions in said court, or any other court.

In all criminal cases in said court it shall be the duty of the Clerk to collect as part of the cost a reporter's fee in the sum of Five Dollars (\$5.00) in all cases in which there is a conviction or plea of guilty.

In all civil cases in which there is a trial it shall be the duty of the Clerk of said court to collect as part of the cost a reporter's fee of Five Dollars (\$5.00), and in all civil cases in which there is a settlement between the parties, or judgment entered by

agreement, the Clerk shall collect as part of the cost a reporter's fee of Two Dollars and Fifty Cents (\$2.50), and all reporter's fees in both criminal and civil cases so collected by the Clerk shall be paid by him into the general fund of DeKalb County at the end of each month.

The said Court Reporter shall have authority to administer oaths and shall be an officer of the Court and shall not be related to the Judge of said court within the fifth degree.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective after its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law on October 1, 1959.

Approved June 9, 1959.

Time: 6:20 P. M.

Act No. 37

H. 50—Adams (Houston)

AN ACT

To Alter and Rearrange The Boundary Lines of the Town of Madrid, Alabama.

Be It Enacted by the Legislature of Alabama:

Section One: That the boundary line of the Town of Madrid, Alabama, be altered and rearranged, so as to include the following described property to wit:

Beginning at the present Southwest corner of the City Limits of the Town of Madrid, Alabama, said point being the southwest corner of the Northwest quarter of Southwest quarter, Section 25, Township 1 North, Range 26 East, thence running West to a point which is 200 yards West of the center line of said Highway number 231, thence Northerly to 200 yards West of and parallel to center line of said Highway to the junction of Hodgesville Road, (paved County road), thence North along said Hodgesville road to the North line of South one half of South one half, Section 23; thence East to present Northwest corner of City Limits of the Town of Madrid, Alabama, said point being the Northwest corner of Southwest quarter of Southwest quarter, Section 24, Township 1 North, Range 26 East in Houston County, Alabama.

Section Two: That all laws and parts of laws, both general and local as applied to the Town of Madrid, Alabama, in conflict with the provisions of this act be and the same are hereby repealed.

Section Three: That this act shall take effect immediately upon its passage and approval by the Governor of Alabama.

Approved June 9, 1959.

Time: 6:21 P. M.

Act No. 38

H. 82—Jones (Monroe)

AN ACT

To alter and extend the boundary lines of the City of Monroeville, in Monroe County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

SECTION ONE (1). That the boundary lines of the City of Monroeville, in Monroe County, Alabama, be and the same are hereby altered and extended so as to include, in addition to the territory now embraced therein, all property included within the following boundary lines, to-wit:

For a starting point, commence at the Southeast Corner of the Southeast quarter of Northeast quarter, Section Twenty-seven (27), Township Seven (7) North, Range Seven (7) East, and run North 4 chains, thence West 5 chains and 50 links to the point of beginning, being the Northwest Corner of the City Limits as hereby extended, thence South 199 chains and 25 links to the Southwest Corner, thence East 199 chains and 25 links to the Southeast Corner, thence North 199 chains and 25 links to the Northeast Corner, thence West 199 chains and 25 links to the point of beginning.

SECTION TWO (2). This Act shall become effective immediately upon its passage and approval by the Governor.

Approved June 9, 1959.

Time: 6:25 P. M.

Act No. 39

H. 83—Jones (Monroe)

AN ACT

Relating to the appointment of an additional deputy sheriff in Monroe County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Monroe County, Alabama, is hereby authorized to appoint an additional deputy sheriff, who shall serve at his pleasure. Such deputy shall have all the power and authority of other deputies and shall perform such duties as the sheriff may prescribe.

Section 2. The additional deputy sheriff provided for in this act shall receive an annual salary of not less than twelve hundred dollars, nor more than three thousand dollars, to be fixed by The County Commission, or other like governing body of Monroe County. Such salary shall be payable in twelve equal monthly installments out of the general fund of the county treasury, upon

the warrant of The County Commission, or other like governing body of the county.

Section 3. The provisions of this act are cumulative.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:26 P. M.

Act No. 40

H. 94—Gilchrist, Brewer

AN ACT

To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Hartselle, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property to-wit:

The East three-fourths of Section 21; Section 22; all that part of Section 23 lying West of the Louisville and Nashville Railroad right-of-way and all that part of Section 14, lying West of the Louisville and Nashville Railroad right-of-way and South of Shoal Creek, all in Township 7 South, Range 4 West, containing 1,640 acres, more or less.

SECTION 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved June 9, 1959.

Time: 6:27 P. M.

Act No. 41

H. 95—Brewer, Gilchrist

AN ACT

To extend the boundary lines of the Town of Flint City, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary of the Town of Flint City, in Morgan County, Alabama, be and same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Beginning at the intersection of the westerly right of way line of the L & N Railroad right of way with the northerly margin

of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 6 South, Range 4 West, and running thence south along said L & N Railroad right of way 580 feet to a point; thence west to a point on the westerly margin of the Old State Highway; thence southerly along the westerly margin of the Old State Highway 851 feet to a point; thence south 82 degrees 30 minutes west a distance of 360 feet to a point; thence south 2 degrees 54 minutes east a distance of 190 feet to a point; thence south 86 degrees 38 minutes west a distance of 1658 feet to a point; thence north 875 feet to a point; thence east to a point which is 1642 feet east of and 806 feet south of the northwest corner of said SW $\frac{1}{4}$; thence north 806 feet to a point on the northerly margin of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 which point is 1642 feet east of the northwest corner of said SW $\frac{1}{4}$ of said Section 17; thence east along the northerly margin of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 to the point of beginning.

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved June 9, 1959.

Time: 6:28 P. M.

Act No. 42

H. 107—Barnett, Long (Perry)

AN ACT

To alter, rearrange, and extend the boundaries of the town of Uniontown in Perry County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the town of Uniontown in Perry County are hereby altered, rearranged, and extended so as to include within the corporate limits of said town, in addition to the territory included within the present corporate limits, the following described territory:

Beginning at a point 213.9 feet distant from and being North 89 degrees 07 minutes East of the intersection of the West line of SE $\frac{1}{4}$ of Section 17, Township 17 North, Range 6 East and the South line of the W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 17, Township 17 North, Range 6 East; thence along the South line of the W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 17, Township 17 North, Range 6 East, being North 89 degrees 07 minutes East, 1,154.4 feet to a 3 inch steel pipe in place, marking the East line of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 17, Township 17 North, Range 6 East; thence North 0 degrees 58 minutes West, 2,166.4 feet along said line to a point intersecting the South right of way of the Southern Railway System; thence North 84 degree 18 minutes West, 1,353.4 feet to a point intersecting the West line of SE $\frac{1}{4}$ of Section 17, Township 17 North, Range 6 East; thence South 0 degrees 22 minutes East along said line, 2,140.5 feet to a point distant 181.1 feet from the intersection of the West and

South lines of the $W\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 17, Township 17 North, Range 6 East; thence North 86 degrees 43 minutes East, 207.7 feet to a point; thence South 2 degrees 18 minutes East, 189.7 feet to a point of beginning, containing 65.87 acres, more or less and being the same property conveyed by California Consolidated Cotton Company, an Alabama Corporation, to California Cotton Mills Company, a California Corporation, by deed recorded in Book 256 at Page 565 of the Probate Records of Perry County, Alabama, EXCEPTING approximately one acre known as A. E. McCurdy Home Lot, situated in the Southwest corner of $W\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 17, Township 17 North, Range 6 East;

Also: Forty acres of the $E\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 17, Township 17 North, Range 6 East, lying immediately South of the track of the Southern Railway System, less about one fifth of one fourth of an acre South of the Uniontown and Cahaba Dirt Road;

Also: All that portion of the $W\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 17, Township 17 North, Range 6 East, not already within the corporate limits of the Town of Uniontown, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:29 P. M.

Act No. 43

H. 115—Jenkins

AN ACT

To fix the salary of the county solicitor of Randolph County, and to prescribe the method of payment of such salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The county solicitor of Randolph County shall receive a salary of two thousand, one hundred dollars (\$2,100.00) a year, payable in equal monthly installments out of the General Fund of the county on warrants drawn by the Judge of Probate of Randolph County.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:30 P. M.

Act No. 44

H. 131—Cates

AN ACT

To amend Sections 8 and 9 of the act of July 6, 1949 which created and established the Board of Revenue and Control of Shelby County, Alabama (Act No. 179, H. 429, Regular Session 1949, p. 206).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 8 and 9 of the act of July 6, 1949 which created and established the Board of Revenue and Control of Shelby County, Alabama (Act No. 179, H. 429, Regular Session 1949, p. 206) are amended to read as follows:

"Section 8. At the general election immediately prior to the expiration date of the term of office of each of the associate members of the board, as hereinabove provided, and every four years thereafter, his successor shall be elected by the qualified voters of the district he represents; and the term of office of each associate member so elected shall be for four years, beginning on the first Monday after the second Tuesday in January following his election, and until his successor has been elected and qualified.

"Section 9. Each associate member of the board shall be nominated by the qualified electors of the district who are authorized to participate in any primary election, caucus, or convention, called or held by any political party for the nomination of candidates for such office. Each associate member shall be a resident and qualified elector of the district for which he is elected, and shall reside in the district at the time of his election and during his continuance in office."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:31 P. M.

Act No. 45

H. 132—Cates

AN ACT

Relating to Shelby County; authorizing any person, firm, or corporation doing a banking business within the county to open, establish, operate and maintain a branch bank, branch office, or other place for conducting a banking business at Vincent in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. When permitted by its charter and by-laws and approved by the State Banking Department, any person, firm, or corporation doing a banking business in Shelby County shall be authorized to open, establish, operate and maintain at Vincent in said county, a branch bank, branch office, or other place of busi-

ness for the receipt of deposits, payment of checks, and conducting a general banking business.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:32 P. M.

Act No. 46

H. 145—Callahan, Ferguson

AN ACT

To amend Act No. 287 of the Regular Session of the Legislature of Alabama of 1955 approved August 23, 1955, and entitled an Act relating to counties having a population of not less than 94,000 nor more than 134,000 inhabitants according to the last or any subsequent decennial census of the United States regulating the business of operating certain cemeteries within such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 287 of the Regular Session of the Legislature of Alabama of 1955 approved August 23, 1955, and entitled an Act relating to counties having a population of not less than 94,000 nor more than 134,000 inhabitants according to the last or any subsequent decennial census of the United States; regulating the business of operating certain cemeteries within such counties, be and the same hereby is amended so as to read as follows:

“Section 1. This Act shall apply only in Counties having a population of not less than 94,000 nor more than 134,000 inhabitants according to the last or any subsequent decennial census of the United States.

Section 2. Definitions: When used in this Act, the following words and phrases have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

(a) The term “cemetery” means any land or structure located in any such County dedicated to and used, or intended to be used, for the interment of human remains, owned by any individual, association or corporation, other than a religious or municipal corporation or association, or State or Federal Government.

(b) “Lot”, or “burial space” means a space in a cemetery to be used or intended to be used for interment of human remains.

(c) “Burial right” means a right of interment granted in writing by the owner of a cemetery.

(d) "Endowment care" means the cutting of the grass at reasonable intervals, and the general preservation of the cemetery lots, and the cemetery grounds, walks and roadways, to the end that said grounds shall permanently remain and be reasonably cared for as cemetery grounds.

(e) The term "owner of a cemetery" and "cemetery owner" shall mean the person, firm, association or corporation who operates and conducts the business of such cemetery.

(f) The term "gross sale price" means the price the purchaser pays for the use of a cemetery lot.

Section 3. Plats and Survey; Recording: Subsequent to the effective date of this Act, the owner of every cemetery located in any such County shall, before the granting and/or selling any burial rights in any part of its property, cause to be recorded in the office of the cemetery owner an accurate survey and plat of that part of its property in which it proposes to grant and/or sell burial rights; said survey and plat to show all lots, walks, and drives therein, all with descriptive names and/or numbers, and thereafter the same shall be held, occupied, and used exclusively for such purposes. Prior to the grant and/or sale of burial rights, all lots shall be permanently marked and shall be made suitable for burial in the area or section in which burial rights are to be granted and/or sold. Provided, however, that any such owner may vacate all or any part of such recorded plat in which no burial rights have been granted and/or sold by making and filing as above provided a new or altered plat and survey of such cemetery or portion thereof, but no such vacation or alteration of any such plat shall be valid which changes the portion of the cemetery in which any burial rights have theretofore been granted therein. Provided, however, that no plat or survey must be recorded until after a license has been duly issued by the proper licensing authority.

Section 4. Endowment Care Fund: The owner of every cemetery shall provide for the creation and establishment of an irrevocable endowment care fund, the principal of which shall permanently remain intact, and the net income only thereof shall be devoted to the care of the said cemetery and which principal shall be known as the "endowment care fund" of such cemetery. This fund shall be created and established by the application and payment thereof of an amount equivalent to a minimum of Fifteen (15%) percent of the gross sales price of all lots, plots or burial spaces sold subsequent to the effective date of this Act.

From the sales price, or payment or payments thereon, said owner shall pay an amount according to the foregoing requirement in said care fund, which said payment shall be in cash and shall be deposited with the custodian or trustee of the said fund

not later than thirty (30) days after the close of the month in which payments on said sales are received. The endowment care fund shall be deposited, and held, in trust in a banking institution having trust powers, located in the County selected by the cemetery owner. The cemetery owner may enter into a contract with the banking institution for the management and investment of the endowment care fund, which contract may provide for the payment out of income from the fund of reasonable fees or commissions to the banking institution, having trust powers. Under no circumstances shall the cemetery owner or any person connected directly or indirectly with the said cemetery be permitted to borrow any portion of the said endowment care fund.

No license or permit to establish or extend a cemetery in the future shall be issued by the Judge of Probate and Commissioners or by the Mayor and Council of an incorporated City or town within any such County, for the establishment or extension of a cemetery in the future unless and until the applicant for a license or permit therefor has submitted to the Judge of Probate and Commissioners of the County, or the Mayor and Council of an incorporated City or Town, as the case may be, a copy of the endowment care fund agreement or trust agreement which must be in conformity with the provisions of this Act and which the cemetery owner proposes and agrees to enter into upon the granting of the said license. After the granting of the said license or permit to establish or extend the said cemetery, no change or alteration may be made in the terms of the endowment care fund agreement or trust agreement so approved unless the prior consent of the Judge of Probate and Commissioners of the County, or the Mayor and Council of an incorporated City or Town, as the case may be, has been obtained, provided however that this Act shall not apply to cemeteries or the extension thereof where less than six (6) acres are involved and where the same is adjacent to a church, and all such cases shall be governed by Section 88. of Title 22. of the Code of Alabama of 1940.

Section 5. Violation of Act—Penalty: Any person who shall willfully violate any provision of this Act, shall be guilty of a misdemeanor, and upon conviction of shall be fined not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or shall be imprisoned not more than six months, or both.

Section 6. Severability: If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act.

Section 7. Effective Date: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:32 P. M.

AN ACT

To amend Sections 4 and 7 of Act No. 313, S. 315, approved August 30, 1955 (Acts of Alabama 1955, p. 711) entitled "An Act Relating to counties having a population of not less than 56,500 nor more than 72,500: Providing for the reidentification of all registered voters; directing the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 313, S. 315, approved August 30, 1955 (Acts of Alabama 1955, p. 711), entitled "An Act Relating to counties having a population of not less than 56,500 nor more than 72,500: Providing for the reidentification of all registered voters; directing the board of registrars to purge the list of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification" is amended to read as follows:

"Section 4. A voter may reidentify himself in any one of the following ways:

"(a) A voter may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate, or before the clerk of the board of registrars or one of the duly authorized employees of the judge of probate, and answering such questions and submitting such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence and that the voter has not become disqualified from voting in the county.

"(b) The board of registrars, in its discretion, may direct the clerk of the board to visit any of the precincts or beats of the county for the purpose of reidentifying voters, and a voter may reidentify himself by appearing in person before the clerk in any such precinct or beat and answering such questions as are set forth in the questionnaire hereinafter detailed. When the board directs the clerk to visit in any precinct or beat for the purpose of reidentifying voters, the court of county commissioners, board of revenue, or other like governing body of the county shall give due notice, by publication in a newspaper of general circulation in the county, of the date and the time when, and the place where, in such precinct or beat the clerk will attend for the purpose of reidentifying voters.

"(c) A voter may also reidentify himself at any election at which the voter votes prior to October 1, 1958, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election who also shall sign the questionnaire as an attesting witness. The

returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

“(d) A voter who is on active duty in the Army, Navy or Air Force of the United States or the husband or wife of a member of the Armed Forces on active duty may also reidentify himself or herself by filling in and mailing to the office of the judge of probate the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the voter's signature to such questionnaire must be witnessed by a commissioned officer of the Army, Navy, or Air Force.

"The questionnaire shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

_____ County, Alabama
Date: _____, 195_____
Name: _____
 (First) (Middle) (Last)
Legal Residence Address: _____
 (Street or Route)
City or Town: _____
State: _____
Date of Birth: _____ Sex _____ Color _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, and I have not been disqualified from voting in the county.

I have resided in Precinct, Name or Beat No. _____ for
the past three months. I vote at _____

Signed: _____ Name of Place _____
(Signature of Voter)

State of _____
County of _____
Witnessed before me this the _____ day of _____, 195_____

Registrar—Judge of Probate—Election Official—Clerk, Board of Registrars—Commissioned Officer U. S. Armed Forces.”

Section 2. Section 7 of said Act No. 313 is amended to read as follows:

“Section 7. The court of county commissioners, board of revenue, or other like governing body of the county is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical assistance, and publicity necessary for the re-

identification of voters. The county governing body shall also provide for the payment of all necessary expenses incurred by the clerk of the board of registrars in visiting any precinct or beat of the county while attending any session of the board or while engaged in the reidentification of voters as herein provided."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:33 P. M.

Act No. 48

H. 169—Bevill, Shumate

AN ACT

Relating to Walker County; authorizing and providing for the establishment, operation, maintenance, and financing of a public law library in the county; providing for the collection of law library fees as court costs in cases docketed in certain courts in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the circuit court, hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the circuit court of Walker County, there shall be taxed as costs the sum of one dollar (\$1.00). In each criminal case hereafter filed in any statutory inferior court in Walker County, there shall be taxed as costs the sum of fifty cents (.50c). In each civil case hereafter filed in any statutory inferior court in Walker County, there shall be taxed as costs the sum of thirty-five cents (.35c). The costs taxed under this Act shall be collected as other costs in such cases are collected, and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be by them paid over to the treasurer or depository of Walker County for deposit in the county treasury. The sums so paid over to the county treasurer or depository shall be maintained in a separate fund in the county treasury designated as the Walker County public law library fund.

Section 2. The Walker County public law library fund shall be expended by the executive committee of the Walker County Bar Association, which committee shall designate some member of the committee to draw warrants upon the county for the expenditure of these funds. There shall be indicated on such warrants the fund against which the warrants are drawn. The Walker County public law library fund may be expended to provide fur-

niture, fixtures, supplies, and equipment for the library, and to keep the same in a good state of maintenance and repair; to enlarge, expand, and improve the library and its facilities and equipment; to provide books, reports, and periodicals for the library; and to pay the compensation of a librarian and such other personnel as may be necessary and proper, in the opinion of the committee, to operate the library. The Walker County public law library fund shall be used primarily to purchase books, reports, and periodicals and to pay the salaries of the library personnel, but to the extent not so used may be otherwise expended for the maintenance of the library.

Section 3. The management of the Walker County public law library is vested in the executive committee of the Walker County Bar Association, but all books or other property purchased with the funds produced by this Act shall be the property of Walker County. It is provided, however, that the committee may sell or exchange any such books, reports, periodicals, and personal property and apply the proceeds of the sale thereof, or the value thereof, upon the purchase of other books, reports, periodicals, and personal property for use in the library. The committee may accept any gift or loan of any books, reports, periodicals, and property for public use in the library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the committee. The executive committee of the Walker County Bar Association may appoint such personnel as may be necessary or proper to operate the library.

Section 4. The court of county commissioners, board of revenue, or other like governing body of Walker County shall provide suitable offices, rooms, or quarters in the courthouse for the public law library.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:40 P. M.

Act No. 49

H. 170—Bevill, Shumate

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Dora in Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the Town of Dora in Walker County are hereby altered, rearranged, and extended so as to include within the corporate limits of the Town of Dora, in addition to the territory included within the present corporate limits, the following described territory:

A tract or parcel of land located in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 19, Twp. 15 S, R 5 W., Walker County, Ala., and being more particularly described as follows:

Begin at the southeast corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and run north along the east line of said forty to the point where the said east line intersects the boundary line of the city limits of Dora, Alabama, thence run west along the boundary line of said city limits to the west line of said forty; thence, run south along the west line of said forty to the SW corner thereof; thence run east along the south line of said forty to the point of beginning.

Also a tract or parcel of land located in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 19, Twp 15 S, R 5 W, Walker County, Ala., and being more particularly described as follows:

Begin at the northwest corner of said forty and run south along the west line thereof for a distance of 660 ft.; thence run east to the east line of said forty, a distance of 1320 feet, more or less; thence run north along the east line thereof to the northeast corner of said forty, a distance of 660 feet, more or less; thence run west along the north line of said forty to the point of beginning, a distance of 1320 feet, more or less.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.
Time: 6:41 P. M.

Act No. 50

H. 192—Guthrie

AN ACT

To amend section one of the act of August 19, 1957, changing the method of compensating certain officers of Cullman County and providing for their assistants (Act No. 297, H. 554, 1957 Acts vol. I, p. 379), in relation to the compensation payable to the sheriff's clerk and to the deputy register of the circuit court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section one of the act of August 19, 1957, changing

the method of compensating certain officers of Cullman County and providing for their assistants (Act No. 297, H. 554, 1957 Acts, vol. I, p. 379) is hereby amended to read as follows:

"Section 1. The following officers of Cullman County shall receive the following annual salaries in lieu of all other compensation:

- | | |
|---|---------------------------|
| "(a) Probate Judge _____ | \$ 9,000.00 |
| Clerk Hire allowance _____ | 16,000.00 |
| "(b) Sheriff _____ | 8,500.00 |
| Chief Deputy _____ | 4,000.00 to 4,500.00 |
| 3 Deputies _____ | 3,500.00 to 3,800.00 each |
| Sheriff's clerk _____ | 2,000.00 to 3,000.00 |
| only fees on illicit whiskey go to Sheriff— | |
| balance to County General Fund | |
| "(c) Tax Assessor _____ | 7,000.00 |
| Clerk Hire allowance _____ | 6,000.00 |
| "(d) Tax Collector _____ | 7,000.00 |
| Clerk Hire allowance _____ | 6,000.00 |
| "(e) Circuit Clerk _____ | 6,000.00 |
| Clerk Hire allowance _____ | 6,000.00 |
| "(f) Register of the Circuit Court _____ | 6,000.00 |
| 1 Deputy Register _____ | 2,000.00 to 3,600.00." |

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:42 P. M.

Act No. 51

H. 194—Rozelle

AN ACT

To extend, alter and re-arrange the boundary lines and corporate limits of the City of Atmore, in Escambia County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Atmore, in Escambia County, Alabama, be and the same are hereby extended, altered and re-arranged, so as to include within the corporate limits of said City all of the following described territory:

The Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$); and the West three hundred thirty (330) feet of the West Half of the Southwest Quarter (W $\frac{1}{2}$ of SW $\frac{1}{4}$), of Section Thirty-

three (33), Township One (1) North, Range Six (6) East, in Escambia County, Alabama.

Section 2. That all laws and parts of laws in conflict with the provisions of this ACT are hereby repealed.

Section 3. That this Act shall go into effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:43 P. M.

Act No. 52

H. 281—Bevill

AN ACT

To alter, re-arrange, and extend the boundary lines and corporate limits of the City of Jasper in Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the City of Jasper in Walker County are hereby altered, re-arranged, and extended so as to include within the corporate limits of the City of Jasper all the territory situated in Township 14 South, Range 7 West, in Walker County, embraced within the following described boundaries, to wit:

Beginning at the southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20, Township 14 South, Range 7 West;

Thence north along the west line of Section 20, the west line of Section 17, the west line of Section 8 and the west line of Section 5, to the northwest corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5;

Thence east along the north line of the south $\frac{3}{4}$ of Section 5, the north line of the south $\frac{3}{4}$ of Section 4, the north line of the south $\frac{3}{4}$ of Section 3, and the north line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, to the northeast corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2;

Thence south along the east line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2 and along the east line of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 2, to the southeast corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2;

Thence east along the north line of Section 11 and the north line of Section 12 to the northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12;

Thence south along the east line of the west $\frac{1}{4}$ of Section 12 to the southeast corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12;

Thence west along the south line of Section 12 to the southwest corner of Section 12;

Thence south along the east line of Section 14 to the north right of way line of Old Highway 78;

Thence west along the north right of way line of Old Highway 78, twenty-five feet;

Thence south 25' west of and parallel to the east line of Section 14 and the east line of Section 23 to the north right of way line of the Frisco Railroad;

Thence west along the north right of way line of the Frisco Railroad to the south line of the north $\frac{1}{4}$ of Section 23;

Thence west along the south line of the north $\frac{1}{4}$ of Section 23, the south line of the north $\frac{1}{4}$ of Section 22, the south line of the north $\frac{1}{4}$ of Section 21, the south line of the north $\frac{1}{4}$ of Section 20, to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 9, 1959.

Time: 6:45 P. M.

Act No. 53

S. J. R. 15—Cooper

SENATE JOINT RESOLUTION

Relative to the Southern Regional Conference of the Council of State Governments

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That the several members of the Commission on Interstate Cooperation heretofore named be authorized to attend the Southern Regional Conference of the Council of State Governments which is to be held at Houston, Texas, June 17-20, as delegates from the State of Alabama; and that the expenses incurred by them in attending the Conference be paid from funds appropriated for the payment of legislative expenses, on requisitions approved by the President of the Senate or the Speaker of the House.

Approved June 16, 1959.

Time: 4:30 P. M.

Act No. 54

H. 87—Bailey, Pierce, Goodwyn, Goldthwaite

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 10, T16N, R18E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Commencing at a point where the west right of way line of Perry Hill Road intercepts the south right of way line of U. S. Highway No. 80 (Atlanta Highway), thence S 04° 40' W along the west right of way line of Perry Hill Road a distance of 200 ft. to the point of beginning.

Thence S 77° 06' E a distance of 175 ft. to a point; thence N 04° 40' E a distance of 120.1 ft. to a point on the south right of way line of U. S. Highway No. 80; thence S 76° 30' E along the south right of way line of U. S. Highway No. 80 a distance of 135.3 ft. to a point; thence S 77° 33' E along the south right of way line of U. S. Highway No. 80 a distance of 1310.9 ft. to a point; thence southeasterly along the curve of the south right of way line of U. S. Highway No. 80, the chord being S 79° 05' E a distance of 122.4 ft. to a point; thence S 04° 09' E a distance of 340.2 ft. to a point; thence S 82° 44' E a distance of 240 ft. to a point on the east line of Sec. 10, T16, R18E; thence S 04° 09' E along the east line of Sec. 10, T16, R18E a distance of 580 ft. to a point, thence S 85° 51' W a distance of 855 ft. to a point; thence N 86° 07' W a distance of 1138.3 ft., more or less, to a point on the west right of way line of Perry Hill Road; thence northwesterly along the curve of the west right of way line of Perry Hill Road, the chord being N 18° 43' W a distance of 80 ft., more or less, to a point; thence N 21° 38' W along the west right of way line of Perry Hill Road a distance of 57.5 ft. to a point; thence northwesterly along the curve of the west right of way line of Perry Hill Road, the chord being N 09° 49' W a distance of 300 ft. more or less to a point; thence N 04° 50' E along the west right of way line of Perry Hill Road a distance of 770 ft. more or less to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:05 P. M.

Act No. 55

H. 187—Speaks

AN ACT

TO AMEND SECTION 265 (relating to special court reporters)
TITLE 13, CODE OF ALABAMA, 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That section 265, Title 13, Code of Alabama, 1940, be and the same is hereby amended to read as follows:

“Section 265, (6737) SPECIAL REPORTER; APPOINTMENT OF.—Should the official court reporter herein provided for, on account of sickness or other cause, be unable to report the testimony of any trial as provided in this article, the judge of the court may appoint a special reporter to serve until the official court reporter can resume his duties in such court, the compensation of such special reporter to be the same and paid in like manner as herein provided for official court reporters. In addition such special court reporter, if he resides outside of the county where he performs the service, shall be entitled to travel and subsistence allowance in a reasonable sum to be approved by the presiding circuit judge of the circuit or the trial judge presiding during the service, and shall be paid from the general fund of the county where the service is rendered. In circuits having two or more judges, the court reporter shall, when not engaged in the discharge of his official duties, be subject to the direction of any judge of such circuit, it being the intention and purpose of this provision to avoid the necessity of appointing a special reporter whenever any official court reporter of the circuit is available.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:06 P. M.

Act No. 56

H. 253—Copeland, Hanby

AN ACT

To alter and re-arrange the boundaries and corporate limits of the Town of Rainbow City, Etowah County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Rainbow City, Etowah County, are hereby altered and re-arranged so as to annex to said town the $W\frac{1}{2}$ of the $SE\frac{1}{4}$; the $E\frac{1}{2}$ of the $SW\frac{1}{4}$, all in Section 30, Township 12, Range 6, East the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$, the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$, and the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$, all in Section 31, Township 12, Range 6, East; and to exclude or detach therefrom that part of

the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, and that part of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, lying north of a line 225 feet North of the South line of Section 20; and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 20, Township 12, Range 6, East.

Section 2. The provisions of the Act No. 636 of September 15, 1953 (Acts 1953, p. 891) in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:07 P. M.

Act No. 57

H. 260—Bailey, Goodwyn, Goldthwaite, Pierce

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 16, T16N, R17E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the intersection of the East line of Section 16, T16N, R17E, and the South right-of-way line of the Western of Alabama Railroad, thence Southwesterly along the South right-of-way line of the Western of Alabama Railroad to the intersection of the Southern extension of the East property line of Lot 14, of the Greil Highlands Plat, as recorded in Plat Book 4, on page 53, in the office of the Judge of Probate, Montgomery County, Alabama; thence Northwesterly along the East property line of Lot 14, of the Greil Highlands Plat to the South right-of-way line of the Old Selma Road; thence Northwesterly along the Northern extension of the East property line of Lot 14, of the Greil Highlands Plat, to the North right-of-way line of the Old Selma Road; thence Southwesterly along the North right-of-way line of the Old Selma Road to the East property line of Lot 6, of the Stella Greil Property as recorded in Plat Book 7, on page 59, in the office of the Judge of Probate, Montgomery County, Alabama; thence Northwesterly along the East property line of Lot 6, of the Stella Greil Property to the East boundary line of the Warranty Plat, as recorded in Plat Book 15, on page 29, in the office of the Judge of Probate, Montgomery County, Alabama; thence North along the East boundary line of the Warranty Plat

to the South right-of-way line of the Gulf, Mobile and Ohio Railroad; thence in an Easterly direction along the South right-of-way line of the Gulf, Mobile and Ohio Railroad to the East line of Section 16, T16N, R17E; thence South along the East line of Section 16, T16N, R17E, to the point of beginning. All of the above described property being in Section 16, Township 16 North, Range 17 East.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:08 P. M.

Act No. 58

H. 276—Jenkins

AN ACT

To regulate the compensation of members of the county board of education in counties having a population of not less than 22,000 nor more than 23,000 inhabitants according to the 1950 federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than twenty-two thousand (22,000) nor more than twenty-three thousand (23,000) inhabitants according to the 1950 federal decennial census.

Section 2. The members of the county board of education of any county having a population of not less than 22,000 nor more than 23,000 inhabitants, according to the 1950 federal decennial census, shall each receive, as compensation for their services, from the public school funds of the county, twenty (\$20.00) dollars a day and their actual traveling and hotel expenses incurred in attending meetings and transacting the business of the board. Their pay and expenses shall be paid in like manner as provided for the payment of the compensation of teachers.

Section 3. The members of the board shall not be allowed pay for more than twenty-four days in any one year, nor shall any member of the board receive pay for any day on which he does not attend a meeting of the board or transact other business of the board.

Section 4. This act shall become effective as to all members of the board immediately after the expiration of the term or terms of office of the present member or members whose term or terms first expire.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Approved June 18, 1959.

Time: 4:09 P. M.

Act No. 59

H. 297—Hearn

AN ACT

Relating to Marshall County; authorizing any bank situated in Guntersville to open, establish, operate and maintain a branch bank, branch office, or other place of business at Guntersville in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. When permitted by its charter and by-laws, and approved by the appropriate authority having jurisdiction of its banking operations, any bank situated in Guntersville shall be authorized to open, establish, operate and maintain at Guntersville in said county, a branch bank, branch office, or other place of business for the receipt of deposits, payment of checks, and conducting a general banking business.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:10 P. M.

Act No. 60

H. 311—Franklin

AN ACT

To amend Section 1 of an act approved August 1, 1951, providing for an additional deputy sheriff in Coosa County (Act No. 328, H. 587, Acts 1950-1951, Vol. I, p. 617).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of an act approved August 1, 1951, entitled "An Act to allow the Sheriff of Coosa County, Alabama, an additional deputy; to fix the salary of said deputy, and to make the same payable out of the general funds of Coosa County, Alabama, in monthly installments, and to provide when this Act shall take effect," (Act No. 328, H. 587, Acts 1950-1951, Vol. I, p. 617) is hereby amended to read as follows:

"Section 1. The Sheriff of Coosa County, Alabama, is hereby allowed an additional deputy to the deputy now provided by law, whose salary shall be fixed by the governing body of Coosa County, Alabama, and which salary shall not be less than \$2400.00 per year, nor more than \$4800.00 per year, and which shall be payable in twelve equal monthly installments out of the general funds of said County; that said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said county, and said

deputy shall be appointed by the Sheriff of said County to hold office at the pleasure of the Sheriff."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:11 P. M.

Act No. 61

H. 315—Copeland, Hanby

AN ACT

For the relief of Etowah Stadium Association, Inc. of Etowah County; authorizing and directing the Etowah County Board of Education to pay or cause to be paid to the corporation a sum certain in recognition of an honorable and just claim against unencumbered school funds subject to the board's control.

Be It Enacted by the Legislature of Alabama:

Section 1. The Etowah County Board of Education is hereby authorized and directed to pay, or cause to be paid, from any unencumbered school funds under its control, to Etowah Stadium Association, Inc., of Etowah County, a corporation not of a business character, the sum of eight thousand six hundred forty-three dollars and eighty-one cents (\$8,643.81), to relieve the corporation of a deficit incurred by it in arranging for, financing, and providing for the construction of the Etowah High School Stadium, at Attalla, thereby improving the athletic facilities of said high school, all of which was done by and with the consent of said Etowah County Board of Education. It is hereby declared that the payment herein authorized and required to be made by the Etowah County Board of Education to and for the relief of Etowah Stadium Association, Inc., is ordered to be paid to satisfy a just claim for financial aid which ought to be paid by the county board of education from public school funds, but for which there is no legal liability or obligation.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:12 P. M.

Act No. 62

H. 325—Dodd

AN ACT

To regulate the meetings of the county board of education of Lawrence County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Lawrence County shall hold forty-eight (48) regular weekly meetings during each year, at such times and places as the board may prescribe. The board may also hold special meetings on the call of the chairman or any two members of the board. The members of the county board of education of Lawrence County shall receive from the public school funds of the county ten dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board. The members of the board shall not be allowed pay for more than 48 days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:13 P. M.

Act No. 63

H. J. R. 37—Franklin, Camp, Nichols

HOUSE JOINT RESOLUTION

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

We, your memorialists, the Legislature of Alabama, in regular session assembled, respectfully represent as follows:

WHEREAS there is pending before the Congress a measure, H. R. 6671, to amend title II of the Social Security Act to provide that the child of an insured individual, after attaining age 18, may receive a child's insurance benefits until he attains age 22 if he is a student attending school; and

WHEREAS the education of youth is imperative in this era and should be promoted and encouraged in every possible way; now therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That the Congress of the United States be memorialized to enact as speedily as possible the bill, H. R. 6671, 86th Congress, 1st session, introduced in the House of Representatives of the United States April 27, 1959, by Mr. Roberts of Alabama.

RESOLVED FURTHER, That copies of this memorial be sent to the Honorable Speaker of the House of Representatives, to the Honorable President of the Senate of the United States, and to all members of the Alabama congressional delegation.

Approved June 18, 1959.

Time: 4:14 P. M.

Act No. 64

H. J. R. 39—Goodwyn, Adams (Tallapoosa),
Bailey, Pierce, Goldthwaite

HOUSE JOINT RESOLUTION

Whereas, this Nation has long accepted the fair and just practice of gearing the pay of naval, military and air men who have earned retirement to the current pay received by the active members of the armed forces of the country; and

Whereas, the Military Pay Act of 1958 continued this practice as to all such persons retired from active service after the effective date of that Act, and even as to the pensions of widows of officers who had retired prior to this date, but departed from this custom as to living members of the armed forces who had retired prior to this date, and prescribed for this latter group a lower rate of pay as a retired member of such forces than that accorded members of corresponding rank who retire after such date, thus unjustly and arbitrarily discriminating against a segment of our uniformed servicemen; and

Whereas, this Act has resulted in such anomalies as an officer who was retired prior to the effective date of the Act, because of a disability—possibly a wound incurred in the line of duty perhaps in the front lines of a hard-fought battle in which he displayed outstanding courage and valor—receiving a much smaller monthly retirement pay than an officer of the same rank, retired after the effective date of the Act, due to a non-service connected disability, who has never seen a day of combat duty; and

Whereas, there appears to be no logical reason or basis for this gross discrimination against those members of the uniformed services who retired prior to the effective date of the Military Pay Act of 1958; and

Whereas equity and justice demand that the same standard for computation of retirement pay be applied to all members of the armed forces, without regard to date of retirement; and

Whereas failure to maintain such just and equitable standards will inevitably lead to defections from active service by career officers, and thus prove detrimental to the national defense and security of the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE OF REPRESENTATIVES AND SENATE CONCURRING:

That the Legislature of Alabama hereby urges Senator Richard Russell and Representative Carl Vinson, Chairmen of the Senate and House Armed Services Committees, respectively, to schedule hearings at their earliest convenience on bills that would equalize the pay of military retirees.

BE IT FURTHER RESOLVED that the Legislature of Alabama deploras the fact that those loyal, faithful members of the Army, Navy, Air Force, Marine Corps, Coast Guard, Geodetic Survey, and Public Health Service who had retired prior to the effective date of the Military Pay Act of 1958 have been unjustly discriminated against by that Act; and hereby memorializes the Congress of the United States to eliminate pay discrimination against these persons and as to them to restore the traditional relationship between their pay and the pay of active service members of the armed forces of this Nation.

The Clerk of the House of Representatives of Alabama is hereby directed to transmit a copy of this resolution to Senator Richard Russell, a copy to Representative Carl Vinson, a copy each to Senator Lister Hill, Senator John Sparkman, Senator James O. Eastland, Senator John Stennis, a copy to each member of Alabama's Congressional Delegation, a copy to the Secretary of the United States Senate for delivery to that body, and a copy to the Clerk of the House of Representatives of the United States for delivery to that body.

Approved June 18, 1959.

Time: 4:15 P. M.

Act No. 65

H. J. R. 40—Callahan

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, THE SENATE CONCURRING, That a cordial invitation is hereby respectfully extended to his Excellency, the Governor of Alabama, to attend a joint meeting of the two Houses of the Legislature on Friday, June 26, at 12:30 p. m., to hear an address by Dr. William Claire Menninger, an eminent physician, psychiatrist, and lecturer, who is noted for his outstanding work in the fields of medical research and public health and particularly in the field of mental health.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives transmit a copy of this Resolution to Governor Patterson.

Approved June 18, 1959.

Time: 6:15 P. M.

Act No. 66

H. J. R. 41—Ferguson

HOUSE JOINT RESOLUTION

Whereas the American Legion Boys State program provides the youth of our State instruction in government and citizenship, and, by their "assumption" of state offices for a day, an insight into the practical operation of our state government; and

Whereas the instruction and experience received by our boys under this praiseworthy program contributes greatly to their development as sound citizens and valuable leaders in the future progress and growth of our State; and

Whereas the Legislature wishes to take official notice of the successful completion of the twentieth annual American Legion Boys State program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature do hereby commend the American Legion, the Boys State staff, "Governor" Ned Pierce, of Goodwater, "Lieutenant Governor" Artie Haines, of Birmingham, and all the participants in the program, for the admirable way in which this twentieth annual Boys State program has been conducted, and that the members of the Legislature do hereby express their best wishes to the American Legion for the continued success of their Boys State program.

Be it resolved, further, that the Clerk of the House transmit copies of this resolution to Ned Pierce and Artie Haines, and to Mr. Lawson Lynn, of Montgomery, Adjutant of the Alabama Department of the American Legion.

Approved June 18, 1959.

Time: 4:16 P. M.

Act No. 67

H. J. R. 42—Ingram

HOUSE JOINT RESOLUTION

Whereas Naval Commander William Burton Allen, a native son of Ashland, Clay County, Alabama, was killed on August 19th, 1958, while in the service of his country, and was buried with honors in Arlington National Cemetery, and;

Whereas, after his graduation from the United States Naval Academy in 1942, he fought for America in the Aleutian campaign, in the North Pacific, in the Normandy Invasion, and later as a Fighter Squadron Commander in the Korean War, and;

Whereas he brought honor, distinction and glory, not only to his country, but to himself because of his bravery and devotion, and;

Whereas all of us in Alabama are saddened by the premature death of this illustrious native son who has paid the last full measure of his patriotism;

Now, therefore, be it Resolved, by the Alabama House of Representatives, the Alabama Senate concurring, that we do express our sadness and sympathy to Commander Allen's widow, Mrs. Mary Beth Allen, his Mother, his two young daughters and to the rest of his family; and that by this Resolution we will perpetuate in our State's Archives the memory of another gallant son of Alabama, whose greatest memorial is that he died in order that his beloved country might live; and, furthermore, that a copy of this Resolution be spread upon the Journals of both houses of the Alabama Legislature, and that like copies be mailed to Commander Allen's widow and his mother.

Approved June 18, 1959.

Time: 4:17 P. M.

Act No. 68

S. J. R. 10—Gaither

SENATE JOINT RESOLUTION

RESOLVED BY THE SENATE, The House concurring that H. J. R. No. 42 be known and designated as the Ingram-Gaither resolution.

Approved June 18, 1959.

Time: 4:18 P. M.

Act No. 69

S. 81—Hines

AN ACT

Relating to Chambers County; abolishing the court of county commissioners of Chambers County and creating in lieu thereof a board of revenue; providing for the selection, qualifications, terms, and compensation of the members of the board; providing for the organization, powers, jurisdiction, and duties of the board, and for the authority and duties of its individual members; providing for the appointment of a clerk of the board of revenue, and for his powers, duties, and compensation; providing for the appointment of a county engineer and for his qualifications, powers, and duties; prescribing procedures for the construction, maintenance, and repair of the county roads and bridges; and regulating the making of certain purchases for the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners of Chambers County is hereby abolished, and there is created in lieu thereof a board of revenue of Chambers County, to be composed of a chairman and four associate members as hereinafter provided.

Section 2. The judge of probate of Chambers County shall

serve as chairman ex officio of the board of revenue. As chairman of the board, the judge of probate shall exercise all the powers and perform all the duties required of judges of probate by the general laws of this State as to matters coming before the court of county commissioners, board of revenue or like county governing body. The judge of probate shall receive the same compensation for the performance of his duties as chairman of the board as do judges of probate serving as chairman of courts of county commissioners, boards of revenue, or like county governing bodies under the general laws of this State, or by local law.

Section 3. One associate member of the board shall be elected by the qualified electors of the entire county for each of the commissioners' districts into which the county is now divided. However, the incumbent members of the county governing body shall serve as members of the board of revenue hereby created until the expiration of the terms for which they were elected, and until their successors are elected and qualified. Associate members for district no. 1 and district no. 2 shall be elected at the general election to be held in 1960, and every four years thereafter. Associate members for district no. 3 and district no. 4 shall be elected at the general election to be held in 1962, and every four years thereafter. A candidate for associate member of the board must be a resident and qualified elector of the district he seeks to represent. Also, he must have resided within such district for at least six years before his election, and must continue to reside therein during his continuance in office. The associate members of the board shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified. In the event of a vacancy on the board, the vacancy shall be filled by appointment by the Governor for the unexpired term.

Section 4. Except as otherwise provided herein, the board of revenue shall have all of the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners or like county governing bodies by the general laws of this State, or vested in the governing body of Chambers County by local law; and members of the board shall perform all the duties and services and exercise all the powers which are, or which hereafter may be, provided by law for members of courts of county commissioners or like county governing bodies, or for members of the board of revenue of Chambers County. The members of the board shall devote as much time to the performance of their duties as may be necessary in transacting the county's business and handling its affairs. The board of revenue of Chambers County may provide for itself a separate office at the county courthouse or the county office building, and may appoint a clerk, who shall be qualified and shall serve as the

board's bookkeeper and also as the county treasurer. The clerk of the board of revenue shall receive a salary of not less than three thousand six hundred dollars (\$3,600) nor more than four thousand eight hundred dollars (\$4,800) a year, as may be fixed by the board of revenue.

Section 5. The board shall hold regular meetings on the first and third Mondays of each month and may hold special meetings upon the call of the chairman or two associate members of the board. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep complete and accurate written minutes of all meetings, business transacted, and resolutions adopted; and there shall be recorded therein the vote of each member. At each meeting, the minutes of the previous meeting shall be read, and all minutes shall be open for public inspection at reasonable times.

Section 6. Each associate member of the board shall receive an annual salary of three thousand dollars (\$3,000). The salaries of the associate members of the board shall be paid in equal monthly instalments from any funds in the county treasury available for that purpose, as provided by law.

Section 7. Before entering upon the discharge of their duties, the chairman and associate members of the board of revenue shall each execute a bond, in the sum of at least three thousand dollars (\$3,000), to be fixed and approved in the manner provided by the general laws of the State for the bonds of members of county governing bodies. The clerk of the board shall execute a bond in the sum of not less than fifteen thousand dollars (\$15,000), to be fixed and approved by the board of revenue. The bonds shall be payable to Chambers County, with good and sufficient surety, and shall be conditioned upon the faithful discharge of their duties of office. It is specifically provided that all such bonds must be made with a surety company authorized to do business in Alabama. The bonds shall be filed and recorded in the office of the judge of probate of Chambers County, and the premiums thereon shall be paid by the county.

Section 8. The board of revenue and the clerk shall maintain the books and records of the county in accordance with the accounting and record system prescribed by the State Department of Examiners of Public Accounts.

Section 9. The board of revenue shall cause the clerk to make, once each year, a physical inventory of all personal property owned or leased by Chambers County, other than property used in connection with the construction, maintenance, and repair of roads and bridges. In addition, the clerk shall keep a perpetual inventory record of all such property, showing where the property is located and in whose possession or under whose control it is. The inventory records shall be kept on file in the office of the

clerk and shall be open for public inspection at all reasonable hours.

Section 10. The board shall employ, and when necessary terminate the employment of, a county engineer and such assistants as are necessary properly to construct, repair, improve, and maintain the county public roads and bridges. The county engineer need not be a graduate engineer, but must be a professional licensed engineer approved by the state highway department. All county road and bridge work shall be performed under the supervision of the board, and they shall utilize the road equipment, materials, and labor force in accordance with the needs of the entire county for road construction and maintenance, but nothing contained in this Act shall prohibit the board from assigning to each associate member of the board road equipment along with the labor, materials and supplies necessary to operate the equipment, for use by, or under the supervision of, the associate member of the board, for the construction and maintenance of the county public roads and bridges. The associate members of the board shall be responsible for making inspections of the roads and bridges situated within their respective districts, and shall bring to the attention of the board such matters in regard thereto as they may deem necessary or appropriate to the proper administration of the road and bridge work of the county.

Section 11. The board of revenue shall have the custody and be responsible of all tools, tires, machinery, fuel, oil, grease, spare parts, supplies, and equipment belonging to Chambers County for use in the construction, repair, and maintenance of the county roads and bridges, and they shall be accountable for such property at all times. The board of revenue shall furnish the necessary storage facilities in which to house or store such tools, machinery, tires, fuel, oil, grease, spare parts, supplies and equipment. The board shall cause to be made each year a physical inventory of all personal property of the county owned or used in the road and bridge department or in the construction, repair and maintenance of roads and bridges. In addition, the board shall require a perpetual inventory to be maintained of all tools, tires, machinery, fuel, oil, grease, spare parts, supplies, and equipment, belonging to Chambers County for use in the construction, repair, and maintenance of roads and bridges. The perpetual inventory record shall be kept on file in the office of the clerk of the board of revenue, and shall be open to public inspection at all reasonable times.

Section 12. Written requisition is to be made upon the county purchasing agent for the purchase of all supplies, articles, materials, and equipment used by the county road and bridge department, or used in the construction, repair, and maintenance of the county roads and bridges. The purchase of all such supplies, articles, materials, and equipment shall be made in accordance with the provisions of the purchasing system established for

Chambers County by local law. It shall be the special duty of the members of the board of revenue to see that the provisions of this section are strictly enforced.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are repealed.

Section 15. The substantial provisions of this Act shall become operative only if approved by a majority of the qualified electors of Chambers County voting in a referendum to be held for that purpose. The referendum shall be held on the same day as the first countywide primary, general, or special election held in the county after the passage of this Act. The court of county commissioners of Chambers County shall order and provide for holding the referendum on such date. On the ballots to be used in the referendum the question shall be stated substantially as follows: 'Shall the provisions of Act No. _____, of the 1959 Regular Session of the Legislature, which abolishes the court of county commissioners of Chambers County and creates a board of revenue in lieu thereof, be adopted? Yes () No ().' If a majority of the votes cast at the referendum are 'Yes,' all the provisions of this Act shall become effective immediately. If a majority of the votes cast in the referendum on this Act are 'No,' this Act shall have no further effect; except that the judge of probate of Chambers County shall certify the results of the referendum to the Secretary of State within 30 days after the determination thereof.

Approved June 18, 1959.
Time: 4:19 P. M.

Act No. 70

S. 83—Hines

AN ACT

Relating to Chambers County; providing a purchasing agent for the county; regulating the acquisition and disposal of supplies, materials, equipment, and contractual services for Chambers County; prescribing penalties for violations of the Act; and repealing the existing purchasing statute applicable to Chambers County.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief clerk of the judge of probate of Chambers County shall be purchasing agent for the county. The purchasing agent shall make all purchases of supplies, materials, equipment, and contractual services (which term, as used in this Act, shall not include contracts for professional or other personal services) for Chambers County; and, subject to the approval of the county

governing body, may promulgate reasonable rules and regulations governing the acquisition of such supplies, materials, equipment, and contractual services, or the disposal of surplus or obsolete personal property of the county. The chief clerk of the judge of probate shall receive no additional compensation for his services as purchasing agent. Before entering upon the discharge of his duties, the purchasing agent shall execute a bond in such sum as the governing body of Chambers County may require, which bond must be made with a surety company authorized to do business in Alabama. The bond shall be payable to Chambers County, and shall be conditioned upon the faithful discharge of the purchasing agent's duties of office. The bond shall be filed and recorded in the office of the judge of probate of Chambers County, and the premiums thereon shall be paid by the county.

Section 2. The purchasing agent shall obtain at least three written, sealed, competitive bids for all purchases of supplies, materials, equipment, and contractual services when the amount involved is one hundred fifty dollars (\$150.00) or more. If the purchase involves an amount less than one hundred fifty dollars (\$150.00), the purchasing agent may make the purchase either upon the basis of sealed bids or in the open market, in his discretion. It shall be a violation of this Act to divide or otherwise adjust the quantity of the purchase to an amount less than one hundred fifty dollars (\$150.00) for the purpose of evading the requirements of this section. Invitations for bids shall be posted on a bulletin board in the county courthouse and sent to prospective suppliers at least one week before the final date for submitting bids. Bids shall be opened publicly by the purchasing agent at the time and place stated in the invitations. The purchasing agent shall award the purchase to the lowest responsible bidder, or he may reject all bids and renegotiate the purchase whenever the public interest will be served thereby. The purchasing agent shall obtain information from the division of purchases and stores of the state department of finance relative to the items to be purchased by competitive bids; and if the state price is less than the lowest bid received, and if the delivery date is reasonable, all bids shall be rejected and the purchase shall be made through the state purchasing agent. All bids, with the names of the bidders, shall be entered on a permanent record. Each record, with the successful bid indicated thereon, and with the reasons for the award, if not awarded to the lowest bidder, shall after the award of the purchase be open to public inspection. In the event of any sale, trade, or other such disposition of any property of the county, the procedure outlined herein, as it relates to obtaining written, sealed, competitive bids shall be followed; and such sale, trade, or other disposition of the county property shall be made in accordance with the most advantageous offer made to the county. The purchasing agent shall purchase all tires, grease, oil, tire recapping services, gasoline, batteries, printing of blanks and

forms, and other supplies or services susceptible to being let by contract, on the basis of service contracts, which shall be let for periods of not more than six months. The provisions of this section relating to the acquisition of property on a competitive bid basis shall apply to the contracts provided for by the preceding sentence. Any and all contracts made and entered into or purchases made in violation of the terms of this section shall be null and void.

Section 3. In an emergency, a purchase may be made without competitive bids and without obtaining information from the division of purchases and stores. However, a thorough, written account of the circumstances necessitating any such emergency purchase, together with a statement describing the item purchased and naming the vendor from whom the item was purchased, shall be at once prepared by the purchasing agent and filed in his office. For the purposes of this Act, an emergency shall be deemed to exist in any situation where needed equipment of the county is idle due to lack of parts, supplies, or repairs therefor, or when materials or supplies are immediately needed to place in operating condition any part of the road or bridge system of the county which has become impassable or dangerous due to damage or destruction, or where there is actual danger to life or property. The records of such emergency transactions shall be open to public inspection. The provisions of this Act regarding competitive bidding and obtaining information from the state purchasing agent may be waived for purchases of perishable commodities, utility services, machinery repairs, and commodities or services for which there is no competitive situation.

Section 4. Supplies, materials, equipment, and services shall be furnished to the officers, offices, and departments of the county government only upon written requisition setting forth the articles needed and signed by the officer for whose office the articles are requested. The requisitions shall state by items the articles that are desired and needed, that the articles are necessary, that the amount of the requisition is not excessive, and that no part of the articles will be used except in conducting the public business. The requisitions, with the purchase invoices attached, shall be kept on file in the office of the purchasing agent, in an orderly manner, as a permanent record subject to public inspection at all reasonable times.

Section 5. The purchasing agent, provided there is no sacrifice or loss in price or quality, shall give preference to commodities produced or sold in Chambers County.

Section 6. The purchasing agent or any member of the governing body of Chambers County or any other county officer or employee who purchases or disposes of, or attempts to purchase or dispose of, property for or of the county contrary to the provisions

of this Act, or who violates any provision of this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed by law; and he shall also forfeit a penalty of two hundred dollars (\$200.00) for each such violation, to be recovered with costs in a civil action or suit in any court having jurisdiction. Such action or suit may be brought by and in the name of any taxpayer of the county, and such penalty, when collected, shall be paid to the person bringing the suit.

Section 7. The court of county commissioners, board of revenue, or like governing body of Chambers County shall provide the purchasing agent with the quarters, supplies, books, equipment, postage, and assistants necessary for the proper and efficient conduct of his duties.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed. Act No. 494, H. 928, approved September 3, 1953 (Acts of Alabama, Regular Session, 1953, p. 621), is expressly repealed.

Section 10. The substantial provisions of this Act shall become operative only if approved by a majority of the qualified electors of Chambers County voting in a referendum to be held for that purpose. The referendum shall be held on the same day as the first countywide special, primary, or general election held in the county after the passage of this Act. The court of county commissioners of Chambers County shall order and provide for holding the referendum on such date. On the ballots to be used in the referendum the question shall be stated substantially as follows: 'Shall the provisions of Act No. _____, of the 1959 Regular Session of the Legislature, which further regulates county purchasing procedures in Chambers County, be adopted? Yes () No ().' If a majority of the votes cast at the referendum are 'Yes,' all the provisions of this Act shall become effective immediately. If the majority are 'No,' this Act shall have no further effect. The judge of probate of Chambers County, however, shall certify the results of the referendum to the Secretary of State within 30 days after the determination thereof.

Approved June 18, 1959.
Time: 4:30 P. M.

Act No. 71

S. 94—Cooper and Gaither

AN ACT

Relating to the effective date for change from the mayor-council form of municipal government to the commission form of municipal gov-

ernment where such change has been directed by vote of the municipal electors, and relating to the effective date for change from the commission form of government to the mayor-council form of government where such has been directed by vote of the municipal electors.

Be It Enacted by the Legislature of Alabama:

Section 1. That no change from the mayor-council form of municipal government to the commission form of municipal government hereafter directed by vote of the electors of any municipality in this state shall become effective until October first of the general municipal election year next following the election at which such change is voted. No change from the commission form of municipal government to the mayor-council form of municipal government hereafter directed by vote of the electors of any municipality in this state shall become effective until October first of the general municipal election year next following the election at which such change is voted. The term of any commissioner which might expire before such date is hereby extended until such date when the form of government changes.

Section 2. This act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:31 P. M.

Act No. 72

S. 124—Graham, Webb, deGraffenried,
Wilson, Golson, Givhan, Ken-
dall and Rutledge

AN ACT

To amend the Motor Vehicle Safety-Responsibility Act (Act No. 704, H. 475, approved September 5, 1951, Acts 1951, vol. II, p. 1224; Code 1940, Title 36, 1955 Cumulative Pocket Part, vol. 6, p. 177), in relation to the period of suspension of a driving license, motor vehicle registration, or non-resident's operating privilege.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 7 and 14 of the Motor Vehicle Safety-Responsibility Act (Act No. 704, H. 475, approved September 5, 1951, Acts 1951, vol. II, p. 1224; Code 1940, Title 36, 1955 Cumulative Pocket Part, vol. 6, p. 177) are hereby amended to read as follows:

"Section 7. The license and registration and non-resident's operating privilege suspended as provided in Section 5 shall remain so suspended and shall not be renewed, nor shall any such license or registration be issued to such person, for a period of three years, or until:

"1. such person shall deposit or there shall be deposited on his behalf the security required under Section 5; or

"2. one year shall have elapsed following the date of such suspension and evidence satisfactory to the Director has been filed with him that during such period no action for damages arising out of the accident has been instituted; or

"3. evidence satisfactory to the Director has been filed with him of a release from liability, or a final adjudication of non-liability, or a duly acknowledged written agreement, in accordance with Subdivision 4 of Section 6; provided, however, in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the Director shall forthwith suspend the license and registration or non-resident's operating privilege of such person defaulting which shall not be restored unless and until

"(1) such person deposits and thereafter maintains security as required under Section 5 in such amount as the Director may then determine; or

"(2) one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state."

"Section 14. Such license, registration and non-resident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, for a period of three years from the date of final judgment, unless such judgment is stayed, satisfied in full or to the extent hereinafter provided, and the said person gives proof of financial responsibility subject to the exemptions stated in sections 13 and 16 of this Act.

"A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this section and sections 12 and 13 of this Act."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:33 P. M.

Act No. 73

H. J. R. 43—Adams (Houston), Thomas, Powell, Faulk, McLendon (Bullock), Smith (Russell), Chambers, Solomon, Steagall, Cornett, Cook, Torbert, Turnham

HOUSE JOINT RESOLUTION

Whereas, the new lock and dam on the Chattahoochee River, now under construction at Columbia, has by action of the United States Congress been named the "George Andrews Lock and Dam"; and

Whereas, this lock and dam has been named for U. S. Representative George W. Andrews, representative of the Third Congressional District of Alabama, in recognition of his fine work in the field of water resources development; and

Whereas, the members of the Legislature are justly proud of this honor recently bestowed upon the distinguished representative from Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

That the members of the Legislature do hereby express their sincere appreciation to the members of the United States Congress for naming the new lock and dam now under construction at Columbia, Alabama, for our distinguished and able representative, The Honorable George W. Andrews.

Be it resolved, further, that the Clerk of the House transmit one copy of this resolution to Rep. Andrews, at Washington, and one copy hereof to the Speaker of the House of Representatives of the United States Congress.

Approved June 18, 1959.

Time: 4:36 P. M.

Act No. 74

S. 127—Barnett, Givhan, Clark, Farmer, Wilson, Berryman, Word, G r a h a m, Golson, Wyatt, Roberts, Porter, Haltom, Caffey, Godfrey, Moses, Turner, Webb, Shelton and Crawford

AN ACT

To create a temporary commission for the study of Alabama's water resources, factors affecting water quality, and quantitative use of same, said Commission to be known as the Water Resources Study Commission; to provide for membership of said Water Resources Study Commission; to provide for the duties of said Commission; to provide for the expenditure of funds to carry out the purposes of this Act; and to provide for an expiration date for said Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a temporary commission to be known as the Water Resources Study Commission, which Commission shall consist of 18 members as follows: The Commissioner of Agriculture and Industry, who shall serve as Tem-

porary Chairman; the Director of the State Planning and Industrial Development Board; the State Health Officer; the State Geologist; the Director of the State Docks; the Dean of the School of Agriculture of the Alabama Polytechnic Institute; the Director of the State Department of Conservation; one member representing municipal government; one member representing county government; one member representing wildlife; five members representing respectively the following five industries: Forest Products and Pulp and Paper, Metals, Petroleum and Mining, Chemicals, Textiles, Electric Power; three members representing agriculture in the following three categories: livestock, general farming, and soil conservation. The seven ex-officio members shall hold office by virtue of their offices. The remaining 11 members of the Commission shall be appointed by the Governor as herein prescribed. The member representing municipal government shall be appointed by the Governor from three nominees submitted by the Alabama League of Municipalities; the member representing county government shall be appointed by the Governor from three nominees submitted by the Association of County Commissioners of Alabama; the member representing wildlife shall be appointed by the Governor from three nominees submitted by the Alabama Wildlife Federation; the member representing Forest Products and Pulp and Paper industries shall be appointed by the Governor from three nominees submitted by the Alabama Forest Products Association; the member representing the Metals, Petroleum, and Mining industry shall be appointed by the Governor from three nominees submitted by the Alabama Mining Institute; the member representing the Chemical industry shall be appointed by the Governor from three nominees submitted by the Alabama State Chamber of Commerce; the member representing the Textile industry shall be appointed by the Governor from three nominees submitted by the Alabama Textile Manufacturers Association; the member representing the Electric Power industry shall be appointed by the Governor from three nominees submitted by the Associated Industries of Alabama; and the Governor shall appoint one member representing each of the following categories in agriculture: livestock, from three nominees submitted by the Alabama Farm Bureau Federation, and general farming, from three nominees submitted by the Alabama Farm Bureau Federation; the member representing soil conservation shall be appointed by the Governor from three nominees submitted by the Alabama Association of Soil Conservation District Supervisors. Any vacancies which may occur on said Commission due to death or resignation shall be filled in the manner as above prescribed for making the original appointments. All other appointees shall hold office until the dissolution of this Commission as hereinafter prescribed.

Section 2. The Commission shall at its first meeting, which shall be held upon the call of its Temporary Chairman, elect a

Permanent Chairman and Vice Chairman. Vacancies in the positions of Chairman and Vice Chairman shall be filled by a majority vote of the Commission. The Commission shall establish such committees and procedures as the Commission deems necessary and expedient to its water study. The Commission shall further prescribe the dates for regular meetings of the Commission, which regular meetings shall be held not less than once each three months. The Permanent Chairman shall appoint the members of such committees as are deemed necessary. He shall have the authority to call special meetings of committees or the entire Commission as he deems necessary.

Section 3. The members of the Commission shall receive no salary or compensation as members of such Commission but shall be reimbursed for expenses of travel, meals and lodging while in the performance of their duties as members of such Commission, in like manner by which regular State employees are reimbursed for such expenditures.

Section 4. The Commission shall study the State's existing water situation and appraise the probable future situation as to water quality and quantitative use and control and shall compile a report of its findings and recommendations to be submitted to the Legislature, which report shall include a recommended basic water policy which will best meet Alabama's future water needs. The Commission shall have the authority to employ out of funds which may be appropriated or allocated to it such personnel as the Commission may deem necessary in carrying out its work and it shall also have the authority to enter into contracts with private firms or individuals for performing certain phases of the work and pay for same out of its appropriation or funds; provided, however, the Commission shall in the course of its work make use of such technical, legal, or other specialized personnel as may be available in the several interested State Departments, educational institutions and Federal agencies. The Chairman of said Commission may purchase such equipment, supplies and material as may be necessary to carry out the functions and duties of the Commission and its staff from the funds which may be provided. The Commission shall also be authorized to receive, accept and expend any funds that may be available and allocated to it by the Federal government for the purpose of carrying out the work of the Commission. Agreements, contracts and the like may also be entered into by the Commission with other agencies, other states of the United States and agencies, departments or instrumentalities of the Federal government in the event it is determined by the Commission that joint action with another states or the Federal government will enable it to more effectively perform its duties as authorized under the provisions of this Act.

Section 5. The study commission shall be authorized to make interim reports to any State agency affected by the work of this

Commission or to the Governor of Alabama at any time deemed expedient by a majority of the Commission. The final report and recommendations of the Commission must be completed, approved by a majority of the Commission, and submitted to the Governor of Alabama and the Legislature before the Commission is dissolved; provided, however, it is the intent of the Legislature that the Commission and its staff shall complete its work and be dissolved on September 30, 1962, unless otherwise provided for by the Legislature.

Section 6. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 18, 1959.

Time: 4:34 P. M.

Act No. 75

S. J. R. 7—Webb

SENATE JOINT RESOLUTION

RESOLVED BY THE SENATE OF THE STATE OF ALABAMA THE HOUSE CONCURRING:

1. A joint Senate-House Committee on Recreation and State Beaches and Parks is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the acquisition, establishment, extension, development, financing, and maintenance of local and regional parks, recreational reservoir sites, and a state wide system of Beaches and Parks and Recreational Areas and Activities including but not limited to the study of Public Beaches, Public Parks, and Recreational Areas and activities, Roadside Rest Spots, Riding and Hiking Trails, Rest and Comfort Facilities for vacationers and travelers, the planting and maintaining of Roadside trees by the Division of Forestry and the Department of Public Works, the present holdings of the Department of Conservation and the Parks Division established therein, purposes, policies and operations of the Beaches and Parks of the State of Alabama and other recreational facilities of a public nature in the State, the evaluation of costs of the present system of Beaches and Parks and Recreational activities, the projected expansion of such system, the study of procedures for coordination and state-wide assistance in the planning of areas and activities for local, regional and state operations, the study and analysis of income and revenues received from any source or activities available for such purposes, the use and disposition of such revenues, the amounts of such additional revenues which would be required in connection with the financing of any such state-wide system, the possible recreational resources of and use of multiple purpose water reservoirs which are constructed or may be constructed by either the Federal or State Government, the prob-

lems relating to the Tourist Industries in Alabama, and all matters relating to the development of the Tourist Industry, the extent and coordination of promotional services available to attract tourists to the public and private recreational areas of the State, the function of the Park and Recreational agencies of the State in stimulating the tourist industry, problems relating to the small boat harbors of the State, and generally data relating to the income from natural resources of the State for the support and potential support of State Beaches and Parks and the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the two Houses of the Legislature including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five members of the Senate to be appointed by the President of the Senate and seven members of the House to be appointed by the Speaker, and in addition the Director of Conservation of the State, the Chief of Alabama Division of State Parks, Monuments and Historical Sites and the Director of the State Planning Board. Vacancies occurring in the membership of the committee shall be filled by the appointing power. The last three members named on this committee are ex-officio members.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1961 Regular Session, with authority to file its final report not later than the fifteenth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and House and of the Standing Rules of the two houses as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

a. To select a chairman and vice chairman from its membership.

b. To contract with such other agencies, public or private as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

c. To cooperate with and secure the cooperation of county, city, city and county, and other local agencies in investigating any matter within the scope of this resolution.

d. To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

e. To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution.

6. The pay of the legislative members of the Committee shall be Thirty Dollars a day for each day while actually in attendance of Committee meetings when not drawing their regular legislative pay, provided, that the total amount to be expended by the Committee shall not exceed \$7,500.

7. Any clerical assistance requested by the chairman or vice-chairman of said committee during the regular session or any special session of the legislature is to be furnished to the committee created hereby upon request made by the chairman or vice-chairman of said committee to the Secretary of the Senate or Clerk of the House. Any clerical assistance needed by said committee in the interim between meetings of the legislature in regular or special session is authorized to be paid as provided in Section 13, Title 32, Code of Alabama 1940.

Approved June 19, 1959.

Time: 5:20 P. M.

Act No. 76

H. J. R. 49—Goodwyn, Goldthwaite, Callahan, Bailey, Pierce

HOUSE JOINT RESOLUTION

WHEREAS, Colonel Marion Rushton of Montgomery, Alabama, is an outstanding attorney and civic leader, and

WHEREAS, Colonel Rushton served during World War II as Administrative Officer to the Under-Secretary of War and was awarded the Distinguished Service Medal and Legion of Merit, and

WHEREAS, Colonel Rushton was elected by the people of Alabama and served with distinction as Democratic National Committeeman for Alabama, and

WHEREAS, he was a close personal friend and colleague of Dr. William C. Menninger during the time they were both serving in Washington during World War II.

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, THAT

1. This Legislature cordially invites Colonel Rushton to be our guest at the joint session to be held on June 26, 1959, to hear

Dr. Menninger and that he act as one of our official hosts for this occasion.

2. The Clerk of the House be directed to transmit a copy of this Resolution to Colonel Rushton.

Approved June 19, 1959.

Time: 5:21 P. M.

Act No. 77

H. J. R. 47—Dodd

HOUSE JOINT RESOLUTION

WHEREAS, the year 1959 marks the 100th Anniversary of the Oil Industry in the United States; and

WHEREAS, its first 100 years exemplify steadfast adherence to the basic principles of our democracy, liberty to the individual, equality of opportunity, and freedom of independent enterprise; and

WHEREAS, its pioneering spirit has contributed to the prosperity and economy of Alabama and the security of the Nation; and

WHEREAS, thousands of Alabama citizens make a living in the Oil Industry as drillers, refiners, suppliers, distributors, independent jobbers and service station operators; and

WHEREAS, it is fitting and proper that we set aside a certain period in which to review the progress made by the Oil Industry and its hopes for the future;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING:

That the State of Alabama hereby joins with other States of the United States in celebrating the Oil Industry's 100th Birthday.

That 1959 be known as "Oil Centennial Year" in Alabama; that the month of August be proclaimed "Oil Centennial Month" in Alabama.

Approved June 19, 1959.

Time: 5:22 P. M.

Act No. 78

H. J. R. 51—Sessions

HOUSE JOINT RESOLUTION

Complimenting his Excellency, the Governor of Arkansas, on his address of a joint session of the two Houses of the Legislature of Alabama

RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Honorable Orval Faubus, Governor of the State of Arkansas, be warmly commended on the excellence of his eloquent address of the members of the two Houses on Friday, June 12, in joint session assembled, and that our sincere thanks be extended to him for his gracious appearance here and for the fine message he brought.

RESOLVED FURTHER, That the Clerk of the House be authorized and directed to send an enrolled copy of this resolution to the Honorable Governor of Arkansas.

Approved June 19, 1959.

Time: 5:29 P. M.

Act No. 79

H. 114—Jenkins

AN ACT

To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in school district no. 2 of Randolph County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Proposed Amendment

"The City of Roanoke shall have the power to levy and collect in school district no. 2 of Randolph County a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not more than one-half of one per cent on the value of the property situated in the district as assessed for state taxation during the preceding year; provided that all such additional property taxes shall be levied and collected solely for educational purposes and may be pledged to the payment of the principal and interest on bonds, warrants, or other evidences of indebtedness issued for educational purposes, and provided, further, that the rate of such tax and the purpose or purposes thereof and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of such district and voted for by a majority of those voting at the election. Each election held under the provisions of this amendment shall be ordered, held, conducted, paid for, and governed otherwise in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. Elections to authorize the levy of such additional tax or taxes may be held as often as ordered by the governing body of the City of Roanoke,

but when a proposition is submitted to the electors to levy such additional tax, and such proposition is defeated, then no subsequent election shall be held hereunder in the district for a period of one year thereafter.

"The revenue derived from the additional tax authorized by this amendment shall be used solely for the construction of schools and other educational purposes in school district no. 2 of Randolph County.

"This amendment shall be self-executing."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House May 19, 1959.

Passed the Senate June 19, 1959.

Act No. 80

H. 171—Shumate, Bevill

AN ACT

To amend further Section 25 of the act approved July 12, 1949 providing safety and health regulations for the operation of coal mining (Act No. 207, S. 134, Acts 1949, pp. 242, 258-259); authorizing the use of black powder blasting in certain mines in certain counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25 of the act approved July 12, 1949 providing safety and health regulations for the operation of coal mining (Act No. 207, S. 134, Acts 1949, pp. 242, 258-259), as amended by Act No. 204, H. 172, which became a law on July 16, 1951, is amended further to read as follows:

"Section 25. Authorized Explosives.

"(a) Permissible explosives or permissible blasting methods only shall be used in blasting coal or coal and other material in all mines where on shift.

"(b) The use of black blasting powder, whether in powder, granular or pellet form, is restricted to those mines using this type of explosive on April 1, 1949, and in no case may it be used for blasting before the end of the shift. Furthermore, in order to continue the use of black blasting powder, each such operator must secure written approval from the Chief of the Division. The Chief, in granting approval, will issue instructions as to storage, transportation, handling, charging, tamping, detonating, and misfire handling. These instructions will be made conditions of the approval, and violations of any of them will be considered violations of this section of the law. Provided, that black powder, granular or pellet, may be used for off-shift blasting in non-gassy mines when and to the extent approved by the Chief subject to the following express conditions which are illustrative of safety standards rather than exclusive enumerations:

"(i) The storage handling and use of black blasting powder for blasting in mines is hereby declared dangerous. The Chief shall consider the relative danger in each mine for which approval is sought; (ii) The handling, transportation, and storage of black powder shall be governed by the same provisions restricting permissible explosives except black powder shall be hauled only on special trips; (iii) Blasting shall be done only after the end of the shift with all men out of the mine, except only the minimum necessary number of men to do the actual shooting. Rock dusting with a generous margin of safety shall be continuously done; (iv) The Chief may by regulation prescribe such further safety standards for black powder blasting including, among others, qualifications of shot firers, methods of detonation (including fuse firing), special misfire rules and the like; and (v) This proviso shall not apply to mines which become gassy or which the Chief or the operator suspect of threatening to become gassy.

"(c) Prior to use of Cardox, Airdox, both of which are classed as permissible blasting methods or any other blasting device or method that may later be classed as permissible, the operator must secure written approval from the Chief of the Division. The Chief, in granting approval, will issue instructions as to storage, transportation, handling, charging, tamping, detonating and handling misfires. These instructions will be made conditions of the approval, and violations of any of them will be considered violations of this section of the law.

"(d) Prior to use of dynamite or any other non-permissible explosive for blasting in rock tunnels, shafts, etc., the operator must secure written approval from the Chief of the Division. The Chief, in granting approval, will issue instructions as to storage, transportation, handling, charging, tamping, detonating and handling misfires. These instructions will be made conditions of the approval, and violations of any of them will be considered violations of this section of the law.

"(e) Provided the provisions of this Section 25 shall in no wise apply to the non-gaseous domestic coal mines in counties having a population of not less than 20,000 nor more than 28,500 according to the last or any subsequent federal census, in which counties the fuse-firing and electric-squib-firing of black pellet powder shall be permitted either on shift or off shift. Nor shall the provisions of this section prohibit the use of black powder in blasting in mines operated with ten men or less in all counties having a population of not less than 63,700 nor more than 72,700, according to the last or any subsequent federal decennial census."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.

Time: 11:46 A. M.

Act No. 81

H. 26—Albea, Merrill

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Anniston in Calhoun County so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Anniston in Calhoun County are hereby altered, rearranged, and extended so as to include within the corporate limits of the city the following described territory situated in Calhoun County, to wit:

The North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Nine (9), Township Sixteen (16), Range Eight (8), except a parcel 310 feet by 420 feet in size in the Northwest corner of the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ of said Section 9;

Also, 2 acres, more or less, in the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 9, Township 16, Range 8, being more particularly described as follows: Beginning at the intersection of the East line of Crestview Road and the North line of said quarter-quarter as shown on the Map of Mountain Manors, recorded in Plat Book E, page 10, in the office of the Judge of Probate of Calhoun County, Alabama, thence East along the North line of said quarter-quarter 153 feet, thence South 410 feet, thence West 242 feet, thence North 410 feet, thence East 89 feet to the point of beginning.

Also, the $NW\frac{1}{4}$ of Section 10, Township 16, Range 8; and the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 10; the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 10; the $N\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 10; the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of

Section 10; the East 30 acres, more or less, of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10; all in Township 16, Range 8.

Also, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 11, Township 16, Range 8.

Also, the West 30 acres, more or less, of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, Township 16, Range 8; the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14; the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 14; the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 14; the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 14; all in Township 16, Range 8.

Also, the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, Township 16, Range 8; the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15; the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15; all in Township 16, Range 8.

Also, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 16, Range 8.

Also, the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 23, Township 16, Range 8.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.

Time: 11:45 A. M.

Act No. 82

H. 324—Broadfoot, Long (Lauderdale)

AN ACT

To define, regulate, and license barbers and barber colleges and other like businesses in all counties having a population of not less than 53,000 nor more than 56,000 inhabitants, according to the last or any subsequent federal decennial census; to create a barbers' commission for each county to which the Act applies; to fix the powers and duties of the commission; and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) This Act shall apply to all counties having a population of not less than 53,000 nor more than 56,000 inhabitants, according to the last or any subsequent federal decennial census.

(b) It shall be unlawful for any person, co-partnership, association or corporation to act as a barber, operate a barber college, barber shop or other like business, to advertise or assume to act as such in any county to which the Act applies without a license issued by the barber's commission of the county. No co-partnership, association or corporation shall be granted a license, unless every member or officer of said co-partnership, association or corporation, actively engaged in the barber business, barber col-

lege or like business of such co-partnership, association or corporation shall hold a license as a barber as hereinafter provided for.

Section 2. A barber, barber shop, barber college, or other like business within the meaning of this Act is any person, firm, partnership, co-partnership, association, or corporation who, for a valuable consideration or hire, shaves or trims the beard; gives facial or scalp massages, or treats the same with oils or other preparations, singes, shampoos, cuts or dyes the hair of a human being, or applies hair tonic or other cosmetic preparations, clays, or lotions to the scalp, neck or face, or engages in the teaching of any person or persons in the art of barbering as in this paragraph defined. Provided, however, the provisions of this Act shall not apply to (1) persons engaged in the practice of medicine, surgery or beauty culture, (2) persons actively engaged in the military service of the United States Government while acting in line of duty, (3) registered nurses in the course of their employment as such, (4) persons who render any of said services to members of their immediate families, or other persons who receive such services without charge therefor.

Section 3. There is hereby created a barbers' commission for each county to which this Act applies. The Governor shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of the county for three years, and who has had at least five years' experience as a barber, one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years. Thereafter, the term of any member appointed and qualified to succeed the members of any such barbers' commission first appointed shall be for three years and until his successors shall have been appointed and qualified. Members to fill vacancies shall be appointed or selected in the manner following: The commission shall, sixty days prior to the expiration of the term of any commissioner or the chairman of the commission, give notice in writing to the licensed barbers of the county that such vacancy will be created on the date of the expiration of the term of the commissioner whose term is about to expire; or if a vacancy be caused for any reason other than the expiration of the term, the barbers' commission shall within thirty days after such vacancy is created give notice to the licensed barbers of the county of such vacancy, calling upon the said barbers to suggest to the barbers' commission the names of three barbers to fill the vacancy or vacancies thus occasioned; to that end a ballot shall be prepared and enclosed in the letter notifying the barbers of the vacancy or vacancies thus created, the said ballot reading: "I hereby nominate for appointment by the Governor of the State of Alabama to the Barbers' Commission for _____ County, Alabama, one of the following named

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shall furnish an office in the courthouse without charge. The commission shall adopt a seal, with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. The commission shall make appropriate rules and regulations for the administration of the office of the commission and for the purpose of carrying out the provisions of this Act. In addition thereto, the commission is empowered to make reasonable inspection of the barbers and barber shops of the county to the end that they observe proper methods of sanitation and sterilization in and about the conduct of their business. Copies of all records and papers in the office of the commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All records kept in the office of the commission under authority of this Act shall be open to public inspection under such rules and regulations as shall be prescribed by the commission. All fees and charges collected by the commission under the provisions of this Act, shall be paid into the treasury of the commission. Such funds shall be used and kept exclusively in the hands of the treasurer of the commission, and shall be used under the direction of the commission, not inconsistent with this Act. Funds may be disbursed by an order of the commission, and approved by the chairman of the board, on a check being drawn by the treasurer against such funds, as may be on hand, for the purpose of paying all expenses incurred by the commission, including the compensation of members and their employees and their assistants and the treasurer, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the treasury of the commission. All monies remaining in such separate fund at the end of the fiscal year, not expended as herein provided, shall become a part of the funds of the commission and shall be retained by the commission and may be deposited in any bank or savings account or otherwise.

Section 4. A barber's college or school, before it shall be issued a license by the barbers' commission of the county, must comply with the requirements and standards as follows:

a. Require, as a prerequisite to admission, a diploma or other proof of graduation from a grammar school, or satisfactory completion of an examination devised or approved by the commission, showing knowledge equal to such education.

b. Require, as a prerequisite to graduation, satisfactory completion of a course of instruction of not less than fifteen hundred (1500) hours, to be completed over a period of not less than nine months of continuous instruction of not more than eight hours in any one day.

c. Such course of instruction shall include the following, or like and equal, subjects: scientific fundamentals of barbering;

hygienic bacteriology; histology of the hair, skin, muscles, and nerves; structure of the head, face, and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin and hair; massaging and manipulating the muscles of the scalp, face, and neck; and haircutting, shaving, and bleaching and dyeing of the hair.

In order to receive a license as an apprentice barber an applicant must meet the following requirements:

- a. He must have graduated from a barber's school or college that is approved by the commission.
- b. Be seventeen years of age, or older.
- c. Be of good moral character and temperate habits.
- d. Pass an examination conducted by the commission to determine his fitness to practice as an apprentice barber.
- e. Meet all the other requirements of this Act as it applies to apprentice barbers.

In order to receive a license as a barber an applicant must meet the following requirements:

- a. He must be a licensed apprentice barber and have practiced as such under the immediate personal supervision of a licensed barber for a period of not less than twelve months.
- b. Be eighteen (18) years of age, or older.
- c. Be of good moral character and temperate habits.
- d. Pass an examination conducted by the commission to determine his fitness to practice barbering, such examination to include factors to determine the applicants general educational level as well as his knowledge and skill of barbering. The examination shall be conducted with a view of determining whether the applicant has general knowledge equal to an elementary school education or its equivalent, whether he has a thorough knowledge of the subjects required to be taught in barber's school or college, and in examining him as to his knowledge of barbering, he shall be taken to a barber chair in a barber shop where barbers licensed under this Act are practicing barbering and given an examination that will determine his skill as a barber, by requiring him to perform any act or acts of barbering and to name any of the instruments and their parts which are used in a barber shop.
- e. Meet all the other requirements of this Act as it applies to a barber.

A barber's license shall be issued without examination by the commission to any person who, for two years immediately pre-

ceding the effective date of this Act, has been continuously engaged in the practice of barbering at one or more established places of business in the county, provided he shall make application before the expiration of three years after the effective date of this Act, which application shall be accompanied by the recommendation of at least two licensed barbers doing business in the county, not related to the applicant by blood or marriage, certifying that the applicant is of good reputation and qualified to practice barbering.

A licensed apprentice barber shall not independently practice barbering, but may do any and all acts constituting the practice of barbering under the immediate personal supervision of a licensed barber.

Section 5. Words used in the masculine gender in this Act include the feminine gender.

Every applicant for a barber's license, apprentice barber's license, or for a license to operate a barber shop, barber college or other like business shall apply therefor in writing on blanks prepared and furnished by the commission. Such application shall be accompanied by the recommendation of at least two licensed barbers doing business in the county, not related to the applicant by blood or marriage, certifying that the applicant is of good reputation, is qualified to practice the trade of barbering, and recommending that a license be granted him. The application shall be accompanied by a doctor's certificate certifying that the applicant has no communicable, contagious, or infectious disease.

An applicant for any license provided for under this Act who is refused such license shall be so notified in writing, along with the reason or reasons therefor, such notice to be personally delivered to the applicant or sent to his last known address by registered mail.

An applicant for a license who fails to satisfactorily complete an examination conducted by the commission may apply for re-examination at any future meeting of the commission.

When an applicant shall pass the examination and meet the other requirements provided for in this Act, the commission shall issue a license, the form and contents to be prescribed by the commission, showing the seal of the commission and the signatures of the commissioners. This license shall be publicly displayed in the place of business where the licensee works or operates. The commission shall also issue to each licensee a pocket card on which shall be imprinted the seal of the commission and certifying that the person whose name appears thereon is a licensed barber, apprentice barber, or operator of one of the businesses named herein.

The original and annual renewal fee for each apprentice barber's and barber's license shall be seven dollars and fifty cents (\$7.50). The original and any subsequent examination fee for apprentice barber or barber shall be fifteen dollars (\$15.00). The original and annual renewal fee for operating a barber college or school shall be two hundred and fifty dollars (\$250.00).

Any licensed barber or apprentice barber who retires from the practice of barbering and fails to keep his license renewed, may, for a period of two years after the expiration date of his last license, renew his license upon payment of a restoration fee of ten dollars (\$10.00) in addition to the license fee, and by furnishing the proper health certificate and meeting the other requirements of this Act; provided, that he need not take another examination unless more than two years have elapsed.

Every license shall expire on the thirty-first day of December of each year. A licensee whose license has expired may, within thirty (30) days thereafter, have his license renewed upon making a satisfactory showing to the commission, supported by his personal affidavit, which, in the opinion of the commission, will excuse the applicant for having failed to renew his license within the time required by this Act.

The commission shall issue a new license to each applicant for the ensuing year, in the absence of any reason or condition that might warrant the refusal of granting the license, upon the receipt of the written request of the applicant, accompanied by the annual fee therefor and the proper physicians certificate.

The commission may upon its own motion, and shall upon the written complaint of any three persons making out a prima facie case, investigate the actions of any licensee, and shall have the power to suspend or revoke any license issued under the provisions of this Act where the licensee has fraudulently obtained his license, or where the licensee is guilty of the violation of any state, county, or city statute or ordinance pertaining to barbering or the operation of a business affected hereby, the violation of any provision of this Act, or the violation of any rule or regulation established by the commission.

The commission shall, before denying an application for a license, or before suspending or revoking any license, set the matter down for hearing, and at least ten days prior to the date set for the hearing notify the applicant or licensee in writing, which notice shall contain an exact statement of the changes made, and the date and place of hearing. Such notice shall be personally delivered to the applicant or licensee or by mailing the same by registered mail to the last known address of such applicant or licensee. At all hearings, the applicant or licensee shall have the opportunity to be heard in person or by counsel,

or both, and shall have the right of attendance of witnesses in his behalf. In the preparation and conduct of the hearings, the commission shall have the power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the commission may issue subpoenas, administer oaths, and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts of the State in civil cases. In case of disobedience to a subpoena, any member of the commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers, and such court may issue an order requiring the persons to appear before the commission, and give evidence, or produce papers, as the case may be, and any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person so refusing to appear and give testimony required by such commission shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be punished as provided by law. If the commission shall determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this Act, a license shall not be granted, or the same shall be revoked as the case may require. Upon request of the applicant or licensee in writing, the commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the commission may be appealed to the circuit court of the county, provided an appeal is taken within ten days after such final determination of the commission. Any person desiring to appeal under this section shall file with the commission, or some member thereof, a notice in writing that he appeals to the circuit court of the county with at least one solvent surety payable to the county, conditioned to prosecute such appeal to effect, and upon failure to do so, to pay all costs and damages which may be taxed against him by the circuit court, and any cause so appealed shall be tried de novo in the circuit court. In any of the aforesaid commission hearings or court cases, the commission shall be represented by the county or circuit solicitor.

The commission, at least every three months, shall hold an examination for the purpose of determining the qualifications of any applicants to become barbers or apprentice barbers, and shall conduct said examination in accordance with the provisions hereof and in accordance with the rules and regulations promulgated by said commission not inconsistent with this Act. Such examination shall be conducted in the city, town, or village where the principal office of the commission is located.

Section 6. Any person violating the provisions of this Act shall upon conviction be punished by a fine of not more than five

hundred dollars, or by imprisonment for a term not to exceed six months, or by both fine and imprisonment, in the discretion of the court. This provision shall have application to any officer or agent of a corporation, co-partnership or association operated in violation of this Act. Any court of competent jurisdiction in the county shall have full power to try any violation of this Act, and upon conviction the court may at its discretion revoke the license of the person, co-partnership, association or corporation violating the terms hereof. Before the commissioners herein provided for shall receive a commission and enter upon the discharge of their duties, each shall take and subscribe the oath provided by law to be taken by elective officers of the State of Alabama.

Section 7. If any section, subsection, sentence, clause, phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase and requirement thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or requirements to be declared unconstitutional.

Section 8. All laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

Section 9. Nothing in this Act contained shall affect the power of the State or any county or municipality to tax, license and regulate persons, co-partnerships, associations or corporations operating barber shops, barber colleges, or other like businesses in any county to which this Act applies. The requirements hereof shall be in addition to the requirement of any existing or future law or ordinance of the State, the county, or any municipality so taxing, licensing or regulating persons, co-partnerships, associations or corporations operating barber shops, barber colleges or other like businesses.

Section 10. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved June 24, 1959.

Time: 11:47 A. M.

Act No. 83

H. 327—Turner

AN ACT

To regulate, define and license the practice of barbering in Limestone County, Alabama; to provide rules and regulations concerning sanitation and cleanliness in and about barber shops in said county; to create a board of barber examiners for said county, and define its powers and duties; to fix the punishment for the violation of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this Act it shall be unlawful for any persons, or individual, to practice, or attempt to practice, the business of barbering for the general public in Limestone County, Alabama, without first obtaining a certificate of registration as a registered barber pursuant to the provisions of this Act, and as provided herein.

Section 2. That from and after the passage of this Act it shall be unlawful for any persons, or individual, to serve, or attempt to serve, as an apprentice of a registered barber in Limestone County, Alabama, without first obtaining the certificate of registration as a registered apprentice, as provided herein.

Section 3. That from and after the passage of this Act it shall be unlawful for any person, firm or corporation, to operate or conduct what is generally known as a barber shop within Limestone County, Alabama, unless said shop shall, at all times, be under the direction, supervision and management of a registered barber.

Section 4. The provisions hereof relating to the business of practicing of barbering and relating to what is known as a barber shop shall apply to those persons or individuals holding themselves out to serve the general public as a barber and to such shops as shall be open to the use of the general public.

Section 5. For the purposes of this Act any one or any combination of the following practices done by any person for another (when done upon the upper part of the human body and for cosmetic purposes, and not for the treatment of a disease or physical or mental ailment, and when done for payment, either directly or indirectly) shall constitute the practice of barbering:

1. Shaving or trimming the beard or cutting the hair.
2. Singeing, shampooing or dyeing the hair, or applying hair tonics.
3. Giving facial or scalp treatments or massaging with oils, creams, lotions or other preparations, either by hand or mechanical appliances.
4. Applying cosmetics, antiseptics, powders, oils, clays, lotions to scalp, face, neck or upper part of the human body.

Section 6. No registered apprentice may independently practice barbering but may, as an apprentice, do any or all of the acts constituting the practicing of barbering under the immediate personal supervision of a registered barber, provided however, that not more than one apprentice at any one time shall be employed in any one barber shop.

Section 7. The manager of a barber shop shall not knowingly permit any person to work in said shop, as a barber, or apprentice, or student, who has not first obtained the certificate of registration provided for in this Act; and such manager shall not knowingly permit or suffer any employee, barber-apprentice, or student in said shop, to violate any of the provisions of this Act, or any of the sanitary provisions of the State of Alabama, or of the Health Department of the State.

Section 8. No person shall operate any barber shop in a residence or dwelling house while any part of such residence or dwelling house is being used at the same time for living and resident purposes, and no such barber shop shall be operated in any place where foodstuffs are handled or sold unless the walls or partition of that part of the building occupied by such barber shop shall reach and extend from the floor to the ceiling.

Section 9. A person shall be qualified to receive a certificate of registration for the practice of barbering, provided such person shall be at least 18 years and six months of age, who is of good moral character and temperate habits, who has practiced as a registered apprentice for a period of not less than 24 months under the immediate personal supervision of a registered barber, or as a regular barber, or who is a graduate of a barber school and who has passed a satisfactory examination conducted by the county board of barber examiners to determine his fitness to practice barbering, said examination to be based on the fundamental and scientific principles of barbering.

Section 10. After the provisions of this Act shall become effective, all persons who are and were on the date of the taking effect of this Act, engaged in the actual practice of barbering within the County of Limestone as defined herein, shall be entitled to a certificate of registration to practice barbering under the provisions of this Act, without examination, provided, however, that such persons shall make such application for such certificate of registration and such application shall be accompanied by the certificate of health mentioned and described in this Act, and also by the annual registration renewal fee herein provided for. Provided further, that all such persons shall file such application and such certificate of health with the county board of barber examiners within 30 days after the taking effect of this Act.

Section 11. No persons shall engage in the practice of barbering either as an apprentice, or as a barber, in the County of Limestone unless he shall first have obtained a certificate of health from a reputable, licensed, practicing physician of the County of Limestone, which said certificate of health shall show applicant to be in good health free from all diseases, such as tuberculosis, granulated eyelid, ringworm, barber's itch, eczema, syphilis, and gonorrhea. Such medical and physical examination of the appli-

cant must be made, and such certificate of health must be issued not more than 10 days before the date of the examination of said applicant by the county board of barber examiners.

Section 12. Every applicant for a certificate of registration shall apply to the county board of barber examiners upon blanks provided by the county board of barber examiners for that purpose and each application shall be accompanied by the payment of ten dollars fee to be paid to cover the cost of the examination. If after the examination, the board finds the applicant to be qualified to practice barbering, or serve, as an apprentice, as the case may be, the board shall, upon the payment of three dollars by the applicant, issue to the applicant a certificate of registration authorizing him to practice or serve as an apprentice, in the County of Limestone and said certificate shall remain in effect until the 31st day of December of the year in which it is issued.

Said certificate of registration shall be renewed on the first day of January of each succeeding year by the board upon the payment of the holder of such certificate of a fee of three dollars, certificate of health, which shall be dated not more than ten days prior to the application for said renewal certificate.

Section 13. The county board of barber examiners shall be appointed by the court of county commissioners, board of revenue, or other like governing body of Limestone County, and shall consist of four members, three of whom shall be practicing barbers who shall have been engaged in such practice for a period of not less than ten years, three years of which shall have been in the County of Limestone. The fourth member of said board shall be the county health officer, who shall be ex-officio chairman of said board. Each of said three barber members of said board shall serve for a period of three years and until his successor has been appointed and qualified, except, however, that the first appointments to be made hereunder shall be as follows: One barber member for a term of three years; one barber member for a term of two years; and one barber member for a term of one year. The members of said board shall be appointed by the court of county commissioners, board of revenue, or other like governing body of Limestone County within thirty days subsequent to the taking effect of this Act, and shall be entitled to a certificate of appointment signed by members of the court of county commissioners, board of revenue, or other like governing body of Limestone County, Alabama.

The members of the board of barber examiners shall serve without compensation, but the expenses of the board made in the execution and carrying out of this Act shall be paid out of the county treasury, as herein provided, provided, that at no time shall the expenses of the board be greater than the amount paid into the county treasury by said county board of barber exam-

iners. All fees and charges collected by the county board of barber examiners under provisions of this Act shall be paid into the county treasury and shall constitute a separate fund to be disbursed by the governing body of the county treasury and shall constitute a separate fund to be disbursed by the governing body of the county on order of the board of county barber examiners with the approval of the chairman of the court of county commissioners, board of revenue, or other like governing body of Limestone County. And all moneys remaining in said separate fund at the end of the fiscal year not expended as herein provided shall become a part of the general fund of the county. The board shall elect a president and a secretary-treasurer. Not less than two members of the board shall meet upon call by the president to examine applicants for certificates of registration and pass upon their qualifications to practice barbering. The health officer of Limestone County shall be responsible for the enforcement of the sanitary provisions of this Act, and shall make sanitary inspections of all barber shops at least once a month, and at any time that he may be called upon to do so by a majority of the members of the county board of barber examiners. All inspections shall be made during regular business hours of the barber shops. The county board of barber examiners shall be charged and held responsible for the enforcement of this Act.

Section 14. The county board of barber examiners shall revoke or suspend the certificate of registration of any barber or apprentice found guilty by the board of any of the following acts or offenses:

1. Fraud in procuring a certificate of registration of such person.
2. Incompetency in the practice of barbering.
3. Immoral, unprofessional or dishonorable conduct.
4. Habitual intoxication or addicted to the use of drugs.
5. Conviction of an offense involving moral turpitude.
6. Fraud or representations as to skill or ability.
7. The use of untruthful or improbable or false statements in advertisements.
8. Distribution of intoxicating liquor or drugs for other than lawful purposes.
9. Repeated violations of any of the provisions of this Act.
10. Continued practice of barbering while knowingly having an infectious or contagious disease.
11. Wilfully refusing to display the certificate of registration behind the barber chair or work stand.

12. The issuing, or giving, or distribution, or receiving of coupons or premiums, or other devices, given in lieu of charges for barber service.

Provided, however, that the county board of barber examiners shall give five days written notice to any barber or apprentice, whose certificate of registration it seeks to revoke or suspend, to appear before said board and show cause why his certificate of registration should not be revoked or suspended, and such written notice shall set out in full all charges against such barber or apprentice and the time and place set for hearing the same; and provided further that any barber or apprentice shall have the right to appeal to the circuit court of Limestone County from any and all final decisions made by the county board of barber examiners, which appeal shall be instituted and tried in accordance with the provisions of Section 15 of this Act.

Any such certificate of registration which has been suspended or revoked by the county board of barber examiners, may in the discretion of the board be reinstated by written application therefor, filed with the president of the board, provided that application for reinstatement of any such suspended or revoked certificate may not be made oftener than once in any six months. In the event of the refusal of the board to reinstate such certificate of registration the applicant shall have the right to appeal to the circuit court of Limestone County, Alabama, as provided in Section 15 of this Act.

Section 15. The board may refuse to grant a certificate of registration, or may suspend or revoke such certificate if already granted, for any of the reasons set forth in this Act, upon due notice and opportunity of hearing to the applicant or certificate holder. Upon request of the applicant or certificate holder in writing, the board shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant a certificate of registration, or of its suspension or revocation of the same. Any applicant or certificate holder considering himself aggrieved by any action of the board taken under the provisions of this Act, may appeal to the circuit court of Limestone County, Alabama, provided appeal is taken within thirty days after such final determination of the board, by filing notice of appeal with the clerk of said court, a copy of which shall be served on the president of said board and any action so appealed shall be tried de novo in said circuit court and said circuit court shall have jurisdiction and power to reverse, vacate or modify the order complained of, if after hearing and upon consideration of the records and testimony adduced before it, such court is of the opinion that such order was unlawful or unreasonable.

Section 16. The department of health of the County of Limestone shall prescribe such rules relating to the sanitation and

cleanliness in and about barber shops and barber establishments in the said county, which may be deemed necessary and which rules and regulations may be in addition to the following rules and regulations established.

1. It shall be unlawful to use any towel, other than a freshly laundered towel, on the face, head or neck of any patron or customer of said shop, and the word "towel" as herein used, shall apply to face towels, steaming towels and washcloths.

2. A sanitary cotton neck strip or towel shall be placed around the customer's neck before hair cutting is begun so as to protect customer's neck from coming in contact with the hair cloth or apron.

3. It shall be unlawful to use alum, or what is known as a styptic pencil, for the purpose of stopping the flow of blood on the head, neck or face.

4. It shall be unlawful to expectorate on the floors, walls, or in the lavatories, or any part of the barber shop except in receptacle used exclusively therefor.

5. Every barber shop shall be well lighted, well ventilated and kept in a clean, orderly and sanitary condition.

6. Every barber shop shall be supplied with an adequate supply of hot and cold running water.

7. All combs and brushes shall be thoroughly cleaned with hot water and soap and then shall be rinsed in clean water and dried, after each customer or patron has been served.

8. No hair brush shall be used in any barber shop unless the back thereof shall be perforated in order to let the same be cleaned and ventilated.

9. All razors, scissors, blades, tweezers, needles, and other instruments and appliances shall be thoroughly cleaned and then disinfected by immersing for one minute in a disinfecting solution after the same has been used.

10. All shaving mugs, soap, brushes used in connection therewith shall be thoroughly rinsed in soap and water before being used.

11. All cups, bowls, basins and receptacles used in connection with the operation of the said barber shop shall be kept clean at all times.

12. Every barber, whether a registered barber or an apprentice or student, shall thoroughly cleanse his hands with soap and water immediately before serving each patron or customer.

13. The head rest of every barber chair shall be protected and

covered with a fresh paper or cloth before the same shall be used by any person.

14. Any customer or patron within a shop having definite open sores or any communicable disease shall not be served or waited on in any barber shop or by any barber in said shop without having a medical doctor's certificate with reference thereto; provided, however, that if any barber, apprentice or student discover that he has waited upon any such person with skin sores, or any communicable disease, the shaving mug, soap, brush, razor and other instruments or equipment used on such person shall, at once, be thoroughly cleansed and disinfected with hot water and immediately immersed for not less than ten minutes in a solution of bichloride of mercury, or a solution having disinfecting qualities.

Section 17. Any person guilty of a violation of any of the provisions of this Act, shall be punished by a fine of not less than ten dollars nor more than fifty dollars for the first offense, and upon being convicted of a second violation of any of the provisions of this Act, such person shall be subject to the penalties as heretofore prescribed, and in addition thereto, the certificate of registration shall be revoked by the county board of barber examiners. Such order of revocation shall be supplied to the violator and to the county health officer, and it shall be unlawful for such person to further practice barbering in the County of Limestone.

Section 18. If any portion of the provisions of this Act shall be declared unconstitutional or invalid, by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Act, provided the same may be given effect in the absence of that portion so declared unconstitutional.

Section 19. None of the provisions of this Act shall apply to what is generally known as a beauty parlor operated for women only.

Section 20. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved June 24, 1959.

Time: 11:48 A. M.

Act No. 84

H. 387—Phillips

AN ACT

To amend further Section 2 of Act No. 156, H. B. 129, approved July 15, 1927 (Local Acts of Alabama, 1927, p. 67), entitled "An Act to provide for the election of a County Superintendent of Education for Choc-taw County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to provide for his giving bond, to define his

qualifications, powers and duties and to provide for appointment or election of his successor in office."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 156, H. B. 129, approved July 15, 1927 (Local Acts of Alabama, 1927, p. 67), entitled "An Act to provide for the election of a County Superintendent of Education for Choctaw County, Alabama, to fix his term of office, to prescribe his salary and the manner of payment, to provide for his giving bond, to define his qualifications, powers and duties and to provide for appointment or election of his successor in office," as amended, is amended to read as follows:

"Section 2. The salary of the County Superintendent of Education of Choctaw County shall be fixed by the County Board of Education at an amount not less than six thousand nor more than seven thousand two hundred dollars a year, and shall be paid in the same manner as the general law of the State provides the salaries of County Superintendents of Education in the several counties shall be paid. The Board of Education of Choctaw County may allow the County Superintendent of Education traveling expenses, not to exceed the sum of one thousand dollars a year, payable in equal monthly installments, for travel performed by him within the State incident to the duties of his office."

Section 2. This Act shall become effective July 1, 1959.

Approved June 24, 1959.

Time: 11:49 A. M.

Act No. 85

S. 6—Haltom

AN ACT

To allow the tax assessors, tax collectors and boards of equalization to send notices by certified mail.

Be It Enacted by the Legislature of Alabama:

Section 1. All notices now required to be mailed by the tax assessors, tax collectors and boards of equalization of the several counties by registered mail may be mailed by certified mail.

Section 2. This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved June 24, 1959.

Time: 11:50 A. M.

Act No. 86

S. 106—Andrews

AN ACT

Relating to crimes and offenses; making it a felony for any convict sentenced to imprisonment in the county jail, or to hard labor for the county, to escape from such confinement, or depart or run away from such labor, before the expiration of the time for which he was sentenced, and prescribing penalties for violating the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any convict sentenced to imprisonment in the county jail, or to hard labor for the county, who escapes from such confinement, or departs or runs away from such labor, before the expiration of the time for which he was sentenced, shall be guilty of a felony, and upon conviction, shall be punished by imprisonment in the county jail for not more than twelve (12) months, or by imprisonment in the penitentiary for not less than one (1) nor more than three (3) years, or by fine of not more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.

Time: 11:50 A. M.

Act No. 87

S. 107—Andrews

AN ACT

Relating to crimes and offenses; making it a misdemeanor for any person to disturb the peace of others by violent, profane, indecent, offensive or boisterous conduct or language, or by conduct calculated to provoke a breach of the peace; and prescribing penalties for violating the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who disturbs the peace of others by violent, profane, indecent, offensive or boisterous conduct or language or by conduct calculated to provoke a breach of the peace, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars (\$500.00) or be sentenced to hard labor for the county for not more than twelve (12) months, or both, in the discretion of the court.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.

Time: 11:51 A. M.

AN ACT

To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Lauderdale County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Lauderdale County, Alabama, by whatever name called, is hereby authorized to establish and maintain a Public Law Library in said County, and to accomplish said purpose, may from time to time, expend such public funds of said County, as are not required by law to be expended for any other purpose or purposes, to provide suitable housing quarters, furniture, fixtures and equipment therefor, to keep the same in a good state of maintenance and repair, and, from time to time, to enlarge, expand and improve such Library, facilities and equipment, and, from time to time, to provide such books, reports and periodicals for said Library as are not provided therefor out of the special fund created by this Act or otherwise, and to pay the salaries of an assistant librarian and such other personnel as may be necessary and proper to operate the same, to the extent that such salaries are not paid out of the proceeds of such special fund; which expenditures shall, from time to time, be made on warrants drawn in the usual manner, upon the County Depository, payable out of appropriate fund or funds.

Section 2. In order to provide a special fund for the maintenance of said Library, there shall be taxed as costs the sum of One Dollar (\$1.00) in each Civil or Quasi Civil Action at Law, Suit in Equity, Criminal Case, Quasi Criminal Case, proceeding on a Forfeited Bail Bond or proceeding on a Forfeited Bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the Law and Equity Court or to the Circuit Court hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise to the Law and Equity Court or to the Circuit Court of Lauderdale County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said Courts or the Register thereof, as the case may be, and shall be paid to the County Depository of Lauderdale County, Alabama.

Section 3. The management and control of said Public Law Library shall be vested in a Librarian, and an Advisory Commit-

tee. Such Librarian shall be the presiding Judge of the Eleventh Judicial Circuit. Such Advisory Committee shall consist of two members of the Lauderdale County Bar. The members of such Advisory Committee shall be elected by the Court of Lauderdale County Commissioners for such term as may be fixed by such Commissioners. In all matters involving the expenditure of moneys the concurring consent of one member of such Advisory Committee shall be necessary.

Section 4. The sums herein provided to be paid into the County Depository of Lauderdale County, Alabama, shall be kept in a separate fund designated as "Lauderdale County Law Library Fund" and shall be expended by the Librarian, by and with the consent of the Advisory Committee, for maintaining said Law Library. Said Librarian shall draw warrants on the County Depository for expenditures, indicating on the warrants the fund against which the warrants are drawn. Every warrant drawn by such Librarian shall be countersigned by at least one member of said Advisory Committee. Said fund shall be used primarily to lease or purchase, from time to time, under conditional sales contracts in anticipation of future revenue under this Act or otherwise as the said Librarian may deem expedient, such books and periodicals, and to pay the salaries of such personnel, as may in the opinion of the said Librarian be advisable, but to the extent not so used funds may otherwise be expended for the maintenance of said Library. All books or other property purchased with the funds produced by this Act shall be the property of Lauderdale County, Alabama, provided, however, that the said Librarian may from time to time, sell at public or private sale or exchange any such books, reports, periodicals, and personal property, and apply the proceeds from the sale thereof, or the value thereof, upon the purchase of other books, reports, periodicals and personal property for use in said Library, and said Librarian may accept any gift or loan of any books, reports, periodicals and property for public use in said Library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said Librarian. Said Librarian may appoint such assistant librarian and other personnel as may in his opinion be necessary or proper to operate said Library, and, to the extent that in the opinion of said Librarian the circumstances permit, may require the Clerks of said Courts, and/or the Register of said Courts, and/or the official Reporters of said Circuit Court and Law and Equity Court to operate the same or to assist therein, either with or without additional compensation therefor from said fund as the said Librarian shall direct.

Section 5. The said items of cost above referred to shall be designated in said respective Courts as "Law Library Fee" and shall be taxed as other costs are taxed in said Courts. On or before the 10th day of each month, the Clerk or other collecting officer of the respective Courts shall pay to the said County De-

pository the amounts collected for said Law Library fees previous to the first day of the month.

Section 6. If any sentence, clause, provision or section of this Act be declared to be invalid, the invalidity thereof shall not effect the validity of any other portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any portion hereof.

Section 7. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.
Time: 11:51 A. M.

Act No. 89

S. 218—Leonard

AN ACT

For the relief of W. C. Madden of Talladega County; authorizing the Court of County Commissioners, Board of Revenue or like governing body of Talladega County to make an appropriation from the county treasury to compensate W. C. Madden for certain damages suffered by him.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners, Board of Revenue or like governing body of Talladega County may, in its discretion, appropriate the sum of Three Hundred and Seventy-five Dollars (\$375.00) for the relief of W. C. Madden to compensate him for damages to a building owned by him at Lincoln, Ala., damaged as the result of one of the county tractors falling from a trailer hauling it and crashing into the building on or about February 12th, 1959, under such circumstances that the county is morally and justly obligated to pay the damages, but the said W. C. Madden has no recourse at law to recover the same.

Section 2. The Court of County Commissioners, Board of Revenue or like governing body of Talladega County is authorized to draw or cause to be drawn a warrant on the treasury of said county in favor of W. C. Madden for the amount herein stated, and the custodian of county funds is hereby authorized, directed, and required to pay the same upon due presentation thereof.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.
Time: 11:52 A. M.

Act No. 90

H. 303—Smith (St. Clair)

AN ACT

To amend further Act No. 109, H. 322, approved February 20, 1937 (General and Local Acts of Alabama, 1936-37 Special Session, p. 59), which provides for the election, term, qualifications, duties, compensation and expense allowance of the Superintendent of Education of St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 109, H. 322, approved February 20, 1937 (General and Local Acts of Alabama, 1936-37 Special Session, p. 59), as amended, which provides for the election, term, qualifications, duties, compensation and expense allowance of the Superintendent of Education of St. Clair County, is amended further to read as follows:

"The Superintendent of Education of St. Clair County shall receive a salary of not more than six thousand nine hundred dollars (\$6,900) per annum, and he shall be allowed for traveling expenses an amount not to exceed one thousand five hundred dollars (\$1,500) per annum. The exact amount of the compensation and travel allowance provided herein shall be fixed by the Board of Education of St. Clair County, and shall be paid in the same manner as the compensation and expense allowances of county superintendents of education are paid under the general laws of this State."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.

Time: 11:53 A. M.

Act No. 91

H. 386—Phillips

AN ACT

To authorize the county solicitor of Choctaw County to employ a secretarial assistant, and to authorize and regulate the payment of compensation to such assistant from county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The county solicitor of Choctaw County may employ a secretarial assistant, who shall serve at his pleasure and receive such salary as he may determine. An amount not to exceed one hundred fifty dollars (\$150) a month shall be paid by the county as compensation to such secretarial assistant; and

this amount shall be payable monthly, from the general fund of the county, on the requisition of the county solicitor.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.

Time: 11:55 A. M.

Act No. 92

H. 388—Phillips

AN ACT

To provide secretarial assistance for the judge of the inferior court of Choctaw County, whose compensation shall be paid from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the inferior court of Choctaw County is authorized and empowered to employ a secretary to assist him in the performance of the duties of his office. The secretary of the judge of the inferior court shall serve at the pleasure of the judge, and shall receive such compensation as the judge may prescribe. The compensation of such secretary, but not exceeding one hundred fifty dollars a month, shall be paid from the county treasury, on requisitions signed by the judge of the court.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.

Time: 11:56 A. M.

Act No. 93

H. 411—Bevill

AN ACT

To provide an expense allowance for the superintendent of education of Walker County.

Be It Enacted by the Legislature of Alabama:

Section 1. The superintendent of education of Walker County shall receive an allowance of one thousand eight hundred dollars (\$1,800) per annum as reimbursement for expenses incurred by him in the performance of his official duties. The allowance provided herein shall be in lieu of all other travel, per diem, or other allowances for expenses heretofore provided by law, and shall be paid in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective July 1, 1959.

Approved June 24, 1959.

Time: 11:57 A. M.

Act No. 94

H. J. R. 52—Ashworth, Adams, Cornett, Smith, Martin, Harvey, Ramey, Branyon, Sullivan, Self, Oakley, Bishop, Broadfoot, Turner, Sessions, Gilchrist, Bevill, Shumate, Guthrie, Morrow, Hawkins, Perry, Grouby, Smith (St. Clair), Copeland, Hanby, McLendon, Powell, Torbert, McCorquodale, Bounds, Nettles, Daniel, Bassett, Britton, Bailey, Boyd, Goodwyn, Brannan, Hearn, Roberts, Salter, Owens, Brooks, Taylor, Glass, Adams (Houston), Rozelle, Rogers, Solomon, Chambers, Ingram, Steagall, Nichols, Camp, Gilmer, Reynolds (Chambers), M c C l e n d o n, Jenkins, Meade, Casey, Long (Perry), Barnett, Cates, Pruitt, Cabiness, Gross, Speaks, Callahan, Ferguson, Harris, Johnson (Elmore), Johnston, Johnson (Tallapoosa), Gordon, Ray, Rast, Cook

HOUSE JOINT RESOLUTION

Relative to a recess of the Regular Session

Whereas the immediate financial needs of the public schools and institutions of higher learning are dire and extreme, an established fact well known to us all; and

Whereas the urgency of the situation constrains us to take extraordinary measures to alleviate this distress; and

Whereas his Excellency, the Governor, has publicly announced that he is so concerned with this pressing matter that he will call an extraordinary session solely for the purpose of dealing with the emergency if the two houses will take an extended recess during the regular session; and

Whereas the problem of meeting the needs of education is so great and so complex that an adequate solution cannot be found

without impenetrable concentration on that problem alone; now therefore, be it

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the extended recess suggested shall be taken; that when the two houses adjourn today they adjourn to meet again on Tuesday, June 23; when the two houses adjourn on Tuesday, June 23, they will adjourn to meet again on Tuesday, August 25, next.

RESOLVED FURTHER, that the extended recess herein provided for shall be taken by the members without pay.

Approved June 24, 1959.

Time: 11:58 A. M.

Act No. 95

H. 2—Smith (Russell), Boyd, Roberts, Pierce, Ingram, Pruitt, Adams (Tallapoosa), Oden

AN ACT

To make an appropriation for the support of the Council of State Governments.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of Six Thousand Dollars (\$6,000.00) annually for each of the fiscal years ending September 30, 1960 and September 30, 1961 to the Council of State Governments located at Chicago, Illinois, to be used for the support of the Council.

Section 2. That the State Comptroller is hereby authorized to draw his warrant payable to the executive secretary of the Council of State Governments for such amounts of the above appropriation as may be released and approved for payment by the Governor.

Section 3. This Act shall become effective on October 1, 1959.

Approved June 24, 1959.

Time: 3:52 P. M.

Act No. 96

H. 3—Smith (Russell), Boyd, Roberts, Pierce, Ingram, Pruitt, Adams (Tallapoosa), Oden

AN ACT

To make an appropriation to the Council of State Governments for the support and operation of the South's Regional Advisory Council on Nuclear Energy (RACNE).

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of Three Thousand Five Hundred Dollars (\$3,500.00) annually for each of the fiscal years ending September 30, 1960 and September 30, 1961 to the Council of State Governments located at Chicago, Illinois, to be used for the support and operation of the South's Regional Advisory Council on Nuclear Energy (RACNE).

Section 2. That the State Comptroller is hereby authorized to draw his warrant payable to the executive secretary of the Council of State Governments for such amounts of the above appropriation as may be released and approved for payment by the Governor.

Section 3. This Act shall become effective on October 1, 1959.

Approved June 24, 1959.

Time: 3:51 A. M.

Act No. 97

H. 4—Smith (Russell), Pierce, Boyd, Roberts,
Ingram, Pruitt, Adams (Tallapoosa)
Oden

AN ACT

To make an appropriation for the support of the Southern Regional Council on Mental Health Training and Research.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Eight Thousand Dollars (\$8,000.00) annually for each of the fiscal years ending September 30, 1960 and September 30, 1961, to the Southern Regional Council on Mental Health Training and Research to be used for the support of the Council.

Section 2. That the State Comptroller is hereby authorized and directed to draw his warrant on the State Treasurer, payable to the Executive Secretary of the Southern Regional Council on Mental Health Training and Research, or such other proper official as may be determined, for such amounts of the appropriation as may be released and approved for payment by the Governor.

Section 3. This Act shall become effective on October 1, 1959.

Approved June 24, 1959.

Time: 3:50 P. M.

Act No. 98

H. 1—Smith (Russell), Roberts, Boyd, Pierce,
Pruitt, Turnham, Ferguson, Ingram,
Adams (Tallapoosa), Oden

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "Salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries, equipment purchases and additions and betterments, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rents and items of general expense not defined as "equipment purchases" and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year and the money appropriated therefor shall be expended only for such purposes; (d) "additions and betterments" shall mean lands and buildings and the construction and alteration of structures and improvements thereto, improvements to land, sewer, water, shelter, support, storage, protection or the improvement of a natural condition and the money appropriated therefor shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt, and for the public schools for each of the two fiscal years ending respectively September 30, 1960, and September 30, 1961, to be paid out of any moneys in the State Treasury not otherwise appropriated, the several sums of money hereinafter specified, from such funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor and the amounts herein appropriated

for "equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) hereof.

FROM THE GENERAL FUND

I. LEGISLATIVE:

- | | |
|---|---------------|
| (1) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses for the fiscal year ending September 30, 1960, and for the salaries and expenses of the Legislature for extraordinary sessions | \$ 100,000.00 |
| (2) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for any expenses for any legislative sessions for the fiscal year ending September 30, 1961 | 750,000.00 |
| (3) For the printing of Legislative Acts and Journals for the fiscal year ending September 30, 1960, estimated | 60,000.00 |
| (4) For Legislative Council expenses | 4,500.00 |

(5) LEGISLATIVE REFERENCE SERVICE:

For the fiscal year ending September 30, 1960:	
For salary of the Director and other salaries	58,820.00
For other expenses	4,575.00
For equipment purchases	1,200.00
Total	64,595.00
For the fiscal year ending September 30, 1961:	
For salary of the Director and other salaries	60,660.00
For other expenses	4,775.00
For equipment purchases	500.00
Total	65,935.00

II. JUDICIAL:

(1) THE SUPREME COURT:

For the salaries of the Chief Justice and six Associate Justices	98,000.00
For the salary of the Clerk of the Court	7,500.00

For the salary of the Court Reporter	7,500.00	
For other salaries	109,000.00	
For other expenses	13,000.00	
For equipment purchases	1,000.00	
Total		236,000.00

For the Supreme Court Library Fund	10,000.00
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For Cataloging the Supreme Court Library:

For the fiscal year ending September 30, 1960:	8,520.00
For the fiscal year ending September 30, 1961:	8,800.00

(2) THE COURT OF APPEALS:

For the fiscal year ending September 30, 1960:

For salaries of the three judges	40,500.00
For other salaries	40,800.00
For other expenses	2,360.00
For equipment purchases	500.00

Total	84,160.00
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For the fiscal year ending September 30, 1961:

For salaries of the three Judges	40,500.00
For other salaries	40,800.00
For other expenses	4,860.00
For equipment purchases	500.00

Total	86,660.00
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(3) THE CIRCUIT COURTS:

For the salaries of the judges of the Circuit Courts, estimated	580,000.00
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For travel expenses of circuit judges	12,300.00
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For telephone service, stationery, stamps, and necessary equipment for the office use of circuit judges	10,000.00
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For the salaries and travel expenses of special judges, estimated	4,000.00
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For salaries of thirty-three circuit solicitors, estimated	280,500.00
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For salary of the elected Deputy Circuit Solicitor of the Bessemer Division of the 10th Judicial Circuit	8,500.00
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For the salary of the appointed Assistant Deputy Solicitor of the Bessemer Division of the 10th Judicial Circuit.....	3,600.00
For the salary of the First Deputy Solicitor of the Birmingham Division of the 10th Judicial Circuit	5,700.00
For the salaries of the Second and Third Deputy Solicitors of the Birmingham Division of the 10th Judicial Circuit.....	10,000.00
For the salaries of the Fourth, Fifth and Sixth Deputy Solicitors of the Birmingham Division of the 10th Judicial Circuit; \$4,000.00 each.....	12,000.00
For the salary of the Deputy Circuit Solicitor of the 6th Judicial Circuit	4,500.00
For the salaries of the Deputy Circuit Solicitors of the 13th Judicial Circuit	10,800.00
For the salary of the Deputy Circuit Solicitor of the 15th Judicial Circuit	7,800.00
For the salary of the Deputy Circuit Solicitors of the 16th Judicial Circuit	6,000.00
For the salary of the Deputy Circuit Solicitor of the 23rd Judicial Circuit	4,200.00
Total	353,600.00
For the travel expenses of circuit solicitors.....	8,400.00
For telephone service, stationery, stamps, and necessary equipment for the office use of circuit solicitors, deputy circuit solicitors or assistants	20,000.00
For salary of supernumerary circuit solicitors, estimated	8,000.00
(4) COURT REPORTERS:	
For the compensation of the circuit court reporters, estimated	120,000.00

(5) SUPERNUMERARY JUDGES:

For salaries of supernumerary judges, estimated	40,000.00
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III. EXECUTIVE:**A. DEPARTMENTS, BOARDS, BUREAUS, AGENCIES AND COMMISSIONS:****(1) THE GOVERNOR'S OFFICE:**

For the fiscal year ending September 30, 1960:	
For salary of the Governor	25,000.00
For salary of the Executive Secretary	10,000.00
For salary of the Legal Advisor	10,000.00
For salary of the Press Secretary	10,000.00
For other salaries	57,840.00
For other expenses	81,600.00
For equipment purchases	18,000.00
Total	212,440.00

For the fiscal year ending September 30, 1961:	
For salary of the Governor	25,000.00
For salary of the Executive Secretary	10,000.00
For salary of the Legal Advisor	10,000.00
For salary of the Press Secretary	10,000.00
For other salaries	57,840.00
For other expenses	91,100.00
For equipment purchases	7,500.00
Total	211,440.00

(2) For the Governor's Emergency Fund, to be expended at the direction of the Governor	90,000.00
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(3) For the Mansion Fund	32,000.00
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(4) STATE BOARD OF ADJUSTMENT:

For expenditures by the Board payable from General Fund for the General Fund contribution to the total expenditure of \$150,000 pursuant to Title 55, Section 343	10,000.00
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(5) DEPARTMENT OF ARCHIVES AND HISTORY:

For the fiscal year ending September 30, 1960:
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For the salary of the Director.....	7,500.00
For other salaries.....	56,290.00
For other expenses.....	15,000.00
For equipment purchases.....	3,000.00
For expenses of printing of the Alabama Historical Quarterly.....	3,000.00
For expenses of printing of the Statistical Register.....	6,250.00

Total	91,040.00
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For the fiscal year ending Sep-
tember 30, 1961:

For the salary of the Director.....	7,500.00
For other salaries.....	56,290.00
For other expenses.....	15,000.00
For equipment purchases.....	5,000.00
For expenses of printing of the Alabama Historical Quarterly.....	3,000.00

Total	86,790.00
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(6) OFFICE OF THE ATTORNEY
GENERAL:

For the salary of the Attorney General	12,000.00
For other salaries.....	187,300.00
For other expenses.....	46,812.00
For equipment purchases.....	5,000.00

Total	251,112.00
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(7) OFFICE OF THE STATE
AUDITOR:

For the salary of the State Auditor	8,000.00
For other salaries.....	32,875.00
For other expenses.....	1,825.00

Total	42,700.00
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(8) BANG'S DISEASE CONTROL:

For salaries.....	42,350.00
For other expenses.....	53,650.00
For equipment purchases.....	4,000.00

Total	100,000.00
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(This appropriation to be expended by the
State Veterinarian at the direction of the
Commissioner of Agriculture.)

(9) STATE BANKING DEPARTMENT:

For salary of the Director.....	10,000.00
For other salaries.....	147,384.00
For other expenses.....	58,548.00
For equipment purchases.....	6,500.00

Total	222,432.00
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(10) BUILDING COMMISSION:

For salaries.....	56,000.00
For other expenses.....	8,000.00
For equipment purchases.....	1,000.00

Total	65,000.00
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(11) CAHABA HISTORICAL COMMISSION:

To provide for the expenditures authorized by Act No. 486, 1943 Acts, page 449 and an additional amount—Total.....	2,500.00
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(12) DEPARTMENT OF CIVIL DEFENSE:

For the fiscal year ending September 30, 1960.

For the salary of the Director....	9,000.00
For other salaries.....	42,500.00
For other expenses.....	23,000.00
For equipment purchases.....	3,000.00

Total	77,500.00
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For the fiscal year ending September 30, 1961:

For the salary of the Director....	9,000.00
For other salaries.....	44,500.00
For other expenses.....	23,000.00
For equipment purchases.....	1,000.00

Total	77,500.00
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(13) DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:

For the fiscal year ending September 30, 1960:

For the salary of the Chief Examiner	10,000.00
For the salary of the Assistant Chief Examiner.....	9,000.00

For other salaries.....	395,000.00	
For other expenses.....	165,000.00	
For equipment purchases.....	2,500.00	
Total		581,500.00

For the fiscal year ending September 30, 1961:

For the salary of the Chief Examiner	10,000.00	
For the salary of the Assistant Chief Examiner.....	9,000.00	
For other salaries.....	415,000.00	
For other expenses.....	170,000.00	
For equipment purchases.....	2,500.00	
Total		606,500.00

(14) DEPARTMENT OF FINANCE:

(a) Director's Office:

For the fiscal year ending September 30, 1960:

For the salary of the Director	10,000.00	
For other salaries.....	27,180.00	
For other expenses.....	9,812.50	
For equipment purchases.....	5,500.00	
Total		52,492.50

For the fiscal year ending September 30, 1961:

For the salary of the Director	10,000.00	
For other salaries.....	27,540.00	
For other expenses.....	9,812.50	
For equipment purchases.....	500.00	
Total		47,852.50

(b) Division of the Budget:

For the fiscal year ending September 30, 1960:

For salaries.....	39,900.00	
For other expenses.....	6,000.00	
For equipment purchases.....	5,500.00	
Total		51,400.00

For the fiscal year ending
September 30, 1961:

For salaries.....	39,900.00
For other expenses.....	6,000.00
For equipment purchases.....	500.00

Total	46,400.00
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(c) Division of Control and Accounts:

For salaries.....	128,000.00
For other expenses.....	94,600.00
For equipment purchases.....	2,500.00

Total	225,100.00
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(d) Legal Division:

For salaries.....	14,500.00
For other expenses and equipment purchases.....	5,000.00

Total	19,500.00
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(e) Division of Purchases and Stores:

For the fiscal year ending
September 30, 1960:

For salaries.....	85,535.00
For other expenses.....	13,462.50
For equipment purchases.....	1,500.00

Total	100,497.50
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For the fiscal year ending
September 30, 1961:

For salaries.....	88,182.00
For other expenses.....	13,462.50
For equipment purchases.....	1,500.00

Total	103,144.50
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(f) Division of Service:

For the fiscal year ending
September 30, 1960:

For salaries.....	200,000.00
For other expenses.....	160,000.00
For equipment purchases.....	30,000.00

Total	390,000.00
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For the fiscal year ending September 30, 1961:		
For salaries.....	200,000.00	
For other expenses.....	170,000.00	
For equipment purchases.....	5,000.00	
Total		375,000.00
(g) For equipment purchases in the State Offices for the Executive, Administra- tive and Judicial Departments.....		15,000.00
(15) GORGAS MEMORIAL BOARD:		
To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383, and an additional amount—Total.....		5,000.00
(16) HALL OF FAME BOARD:		
For payment of expenses.....		500.00
(17) DEPARTMENT OF HEALTH:		
(a) For General Health Work:		
For the fiscal year ending September 30, 1960:		
For salary of the State Health Officer.....		12,000.00
For other salaries.....	543,000.00	
For other expenses.....	182,201.00	
Total		737,201.00
For the fiscal year ending September 30, 1961:		
For salary of the State Health Officer.....		12,000.00
For other salaries.....	553,000.00	
For other expenses.....	150,000.00	
Total		715,000.00
(b) For study, care and treatment of cancer ..		140,000.00
(c) For County Health Work:		
For transfer to the County Health Work Account		355,000.00
(d) For Hospital Care of the In- digent:		
For salaries, other expenses and equipment purchases ..	10,000.00	

For distribution to the several counties in accordance with the provisions of Act No. 394, 1957 Regular Session	240,000.00	
Total		250,000.00
(e) For Hospital Planning:		
For salaries.....	22,500.00	
For other expenses.....	3,500.00	
Total		26,000.00
(f) For Mental Hygiene:		
For salaries.....	25,000.00	
For other expenses.....	30,000.00	
For clinical expenses.....	35,000.00	
Total		90,000.00
(g) For Mental Health:		
For Mental Health Training Expenses.....		15,000.00
(h) For Tuberculosis Testing:		
For salaries.....	45,000.00	
For other expenses.....	50,000.00	
For equipment purchases.....	5,000.00	
Total		100,000.00
(i) For Tuberculosis Treatment:		
For the care and treatment of tuberculosis patients in the several Tuberculosis Hospitals in the State,		
For the fiscal year ending September 30, 1960:		2,721,535.00
For the fiscal year ending September 30, 1961:		2,713,925.00
(j) For Venereal Disease Control:		
For the fiscal year ending September 30, 1960:		
For salaries.....	29,510.00	
For other expenses.....	18,190.00	
Total		47,700.00

For the fiscal year ending
September 30, 1961:

For salaries.....	30,302.00
For other expenses.....	17,398.00

Total	47,700.00
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(k) For Dental Program:

For salaries.....	6,000.00
For other expenses.....	39,000.00
For equipment purchases.....	5,000.00

Total	50,000.00
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(l) For Polio Program:

For expenses and equipment purchases.....	100,000.00
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(m) For Pollution Control:

For the fiscal year ending
September 30, 1960:

For salaries.....	36,750.00
For other expenses.....	14,000.00
For equipment purchases.....	1,000.00

Total	51,750.00
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For the fiscal year ending
September 30, 1961:

For salaries.....	38,588.00
For other expenses.....	14,000.00
For equipment purchases.....	1,000.00

Total	53,588.00
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(18) RICHMOND PEARSON HOBSON
MEMORIAL BOARD:

To provide the appropriation authorized by
Act No. 536, 1943 Acts, page 510, and an
additional amount,

Total	5,000.00
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(19) INDUSTRIAL DEVELOPMENT
BOARD:

For salary of the Director.....	10,000.00
For other salaries.....	142,376.00
For other expenses.....	35,000.00
For equipment purchases.....	2,000.00

Total	189,376.00
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(20) DEPARTMENT OF INDUSTRIAL RELATIONS:

For salaries.....	132,500.00	
For other expenses.....	40,000.00	
For equipment purchases.....	3,000.00	
Total		175,500.00

(21) DEPARTMENT OF INSURANCE:

For the fiscal year ending September 30, 1960:

For the salary of the Director....	9,000.00	
For other salaries.....	167,104.00	
For other expenses.....	84,100.00	
For equipment purchases.....	4,400.00	
Total		264,604.00

For the fiscal year ending September 30, 1961:

For the salary of the Director.....	9,000.00	
For other salaries.....	171,782.00	
For other expenses.....	88,000.00	
For equipment purchases.....	6,000.00	
Total		274,782.00

(22) STATE LABOR DEPARTMENT:

For the salary of the Director.....	9,000.00	
For other salaries.....	35,000.00	
For other expenses.....	17,312.00	
For equipment purchases.....	1,000.00	
Total		62,312.00

(23) LAGRANGE HISTORICAL COMMISSION:

To provide the appropriation and for the expenditures as authorized by Act No. 551, 1943 Acts, Page 540.....	500.00
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(24) PUBLIC LIBRARY SERVICE DIVISION:

For salaries.....	37,000.00	
For other expenses.....	23,195.00	
For Books and Periodicals.....	119,500.00	
Total		179,695.00

(25) MILITARY DEPARTMENT:**(a) For Operations of the Department:**

For salary of the Adjutant General	9,000.00	
For other salaries.....	195,000.00	
For other expenses.....	78,000.00	
For equipment purchases.....	6,000.00	
Total		288,000.00

(b) For Quarterly Allowances..... 250,000.00

Provided that not more than \$3,500.00 may be allotted in any fiscal year for the Headquarters, Alabama National Guard, and not more than \$1,000.00 may be allotted in any fiscal year for the Division Headquarters.

(c) For Active Military Service—Active National Guard..... 60,000.00**(d) For Active Military Service—Militia 5,000.00**

(This is the appropriation contemplated in Title 35, Section 185, Code of Alabama)

(e) For transfer to the Armory Commission—For care and maintenance of armories.. 315,000.00**(26) DEPARTMENT OF PENSIONS AND SECURITY:**

For transfer to the Department of Pensions and Security for the support, maintenance and operation of the functions of Pensions and Security:

For the fiscal year ending September 30, 1960	5,945,087.89
For the fiscal year ending September 30, 1961	7,805,180.07

Provided, however, that not more than twenty-seven and one-half per centum of the appropriation hereinabove made shall be allotted in any one quarter of a fiscal year.

(27) PERSONNEL DEPARTMENT:

For transfer to the Personnel Department for the payment of the State's General Fund share of the operating cost of the Department,

For the fiscal year ending September 30, 1960	33,397.00
For the fiscal year ending September 30, 1961	33,670.00

(28) POULTRY DISEASE CONTROL:

For salaries.....	67,000.00	
For other expenses.....	18,000.00	
For equipment purchases.....	15,000.00	
Total		100,000.00

This appropriation to be expended by the
State Veterinarian at the direction of the
Commissioner of Agriculture.

(29) DEPARTMENT OF PUBLIC SAFETY:

For the salary of the Director.....	10,000.00	
For other salaries.....	2,435,000.00	
For other expenses.....	750,000.00	
For equipment purchases.....	200,000.00	
Total		3,395,000.00

(30) BUREAU OF PUBLICITY AND INFORMATION:

For the fiscal year ending Sep-
tember 30, 1960:

For the salary of the Director....	9,000.00	
For other salaries.....	12,960.00	
For other expenses.....	12,100.00	
For equipment purchases.....	500.00	
For Tourist Advertising.....	75,000.00	
Total		109,560.00

For the fiscal year ending Sep-
tember 30, 1961:

For the salary of the Director....	9,000.00	
For other salaries.....	12,960.00	
For other expenses.....	12,100.00	
For equipment purchases.....	1,500.00	
For Tourist Advertising.....	75,000.00	
Total		110,560.00

(31) DEPARTMENT OF REVENUE:

- (a) For transfer to the Department of Revenue for the General Fund share of the cost of operating the Department,

For the fiscal year ending September 30, 1960	294,887.50
For the fiscal year ending September 30, 1961	301,706.82
(b) Boards of Equalization:	
For salaries	125,000.00
For salaries of the members and employees of the county boards of equalization	125,000.00
For other expenses	66,000.00
For equipment purchases	1,000.00
Total	317,000.00
(32) OFFICE OF SECRETARY OF STATE:	
For the fiscal year ending September 30, 1960:	
For salary of the Secretary of State	8,000.00
For other salaries	26,319.00
For other expenses	8,975.00
For equipment purchases	500.00
Total	43,794.00
For the fiscal year ending September 30, 1961:	
For salary of the Secretary of State	8,000.00
For other salaries	27,162.00
For other expenses	8,395.00
For equipment purchases	500.00
Total	44,057.00
(33) STATE SECURITIES COMMISSION:	
For salaries	13,000.00
For other expenses	1,500.00
For equipment purchases	500.00
Total	15,000.00
(34) SOCIAL SECURITY ADMINISTRATION:	
For salaries	30,000.00
For other expenses	9,921.00

For equipment purchases.....	1,000.00	
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Total		40,921.00
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(35) FOR PREVENTION AND CONTROL OF DISEASES OF SWINE:

For salaries.....	31,000.00
For other expenses.....	16,250.00
For equipment purchases.....	2,750.00
For purchase of vaccines and serum	50,000.00

Total	100,000.00
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This appropriation to be expended by the State Veterinarian at the direction of the Commissioner of Agriculture.

(36) STATE TOXICOLOGIST:

For the salary of the State Toxicologist	10,000.00
For other salaries.....	110,000.00
For other expenses.....	30,000.00
For equipment purchases.....	14,000.00

Total	164,000.00
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(37) OFFICE OF THE STATE TREASURER:

For the fiscal year ending September 30, 1960:

For the salary of the State Treasurer	8,000.00
For other salaries.....	95,500.00
For other expenses.....	36,000.00
For equipment purchases.....	11,350.00

Total	150,850.00
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For the fiscal year ending September 30, 1961:

For the salary of the State Treasurer	8,000.00
For other salaries.....	97,500.00
For other expenses.....	36,500.00
For equipment purchases.....	14,750.00

Total	156,750.00
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(38) DEPARTMENT OF VETERANS'
AFFAIRS:For the fiscal year ending Sep-
tember 30, 1960:

For the salary of the Service Commissioner	9,000.00
For other salaries	357,794.00
For other expenses	36,000.00
For equipment purchases	2,500.00
For Contract With Veterans of Foreign Wars Organizations	20,000.00
For Contract With Disabled American Veterans Organiza- tions	5,000.00

Total	430,294.00
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For the fiscal year ending Sep-
tember 30, 1961:

For the salary of the Service Commissioner	9,000.00
For other salaries	372,038.00
For other expenses	36,000.00
For equipment purchases	2,500.00
For Contract With Veterans of Foreign Wars Organizations	20,000.00
For Contract With Disabled American Veterans Organiza- tions	5,000.00

Total	444,538.00
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B. DEVELOPMENT AND CONSERVATION
OF NATURAL RESOURCES:(1) STATE SOIL CONSERVATION
COMMITTEE:For the fiscal year ending Sep-
tember 30, 1960:

For salaries	11,640.00
For other expenses	26,606.00
For equipment purchases	1,500.00

Total	39,746.00
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For the fiscal year ending Sep-
tember 30, 1961:

For salaries	12,120.00
For other expenses	29,506.00

For equipment purchases.....	200.00	
Total		41,826.00

(2) DEPARTMENT OF CONSERVATION:

(a) For transfer to Department of Conservation-State Forestry Fund-For salaries, other expenses and equipment purchases for the Division of State Forestry	375,000.00
(b) For transfer to Department of Conservation-State Lands Fund-for salaries, other expenses and equipment purchases for the State Lands Division	20,000.00
(c) For transfer to the Department of Conservation-State Parks Fund-For salaries, other expenses and equipment purchases for the State Parks Division.....	125,000.00

(3) GEOLOGICAL SURVEY:

For the fiscal year ending September 30, 1960:		
For the salary of the State Geologist	9,100.00	
For other salaries.....	67,336.00	
For other expenses.....	37,900.00	
For equipment purchases.....	5,000.00	
For matching Federal funds for the investigation of the surface water resources of the State....	41,000.00	
For matching Federal funds for the investigation of the ground water resources of the State....	44,000.00	
Total		204,336.00

For the fiscal year ending September 30, 1961:		
For the salary of the State Geologist	9,100.00	
For other salaries.....	70,168.00	
For other expenses.....	37,900.00	
For equipment purchases.....	5,000.00	
For matching Federal funds for the investigation of the surface water resources of the State....	41,000.00	

For matching Federal funds for the investigation of the ground water resources of the State.....	44,000.00
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Total	207,168.00
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(4) FORT MORGAN HISTORICAL
COMMISSION:

For salaries.....	13,000.00
For other expenses.....	13,000.00
For equipment purchases.....	2,000.00

Total	28,000.00
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(5) DEPARTMENT OF AGRICULTURE AND
INDUSTRIES:

For transfer to the Agricultural Fund for sal- aries, other expenses and equipment pur- chases for the Department of Agriculture and Industries.....	250,000.00
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C. EDUCATION:

(1) INTEREST ON ENDOWMENTS:

For interest on Alabama Col- lege Endowment, estimated.....	40,000.00
For interest on Alabama Poly- technic Institute Endowment.....	20,280.00
For interest on University of Alabama Endowment.....	61,000.00
For interest on Grove Hill En- dowment	600.00
For interest on Public School Fund Endowments:	
Interest on 16th Section lands, estimated	190,500.00
Interest on school indemnity lands, estimated	41,635.81
Interest on Valueless 16th sec- tion lands.....	5,825.47
Interest on surplus revenue.....	26,763.47
Interest on James Wallace Fund	275.25

Total	386,880.00
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D. HOSPITALS AND CORRECTIONAL
FUNCTIONS:

(1) BOARD OF CORRECTIONS:

For transfer to Board of Corrections:

For salaries of the employees of the Board for the fiscal year ending September 30, 1960	1,250,000.00
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For additions and betterments and repairs and alterations for the fiscal year ending September 30, 1960	100,000.00
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For transfer to Board of Corrections:

For salaries of the employees of the Board for the fiscal year ending September 30, 1961	1,250,000.00
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For additions and betterments and repairs and alterations for the fiscal year ending September 30, 1961	150,000.00
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(2) ALABAMA INSANE HOSPITALS:

For the support, maintenance and repair of the Alabama State Hospitals the sum of \$2.50 per day, per patient, For the fiscal year ending September 30, 1960, estimated	6,706,875.00
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For the support, maintenance and repair of the Alabama State Hospitals the sum of \$2.50 per day, per patient, For the fiscal year ending September 30, 1961, estimated	6,725,125.00
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For training Psychiatric Nurses: For the fiscal year ending September 30, 1960..	39,940.00
For the fiscal year ending September 30, 1961..	48,233.00

(3) PARTLOW STATE SCHOOL FOR
MENTAL DEFICIENTS:

For the support, maintenance, and repair of the Partlow State School the sum of \$2.50 per day, per patient, estimated	1,450,875.00
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(4) ARREST OF ABSCONDING FELONS:

For expenses incident to the arrest of ab- sconding felons, estimated	1,000.00
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(5) FEEDING OF PRISONERS:

For expenses of feeding prisoners in county jails, estimated	550,000.00
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(6) BOARD OF PARDONS AND
PAROLES:

For the fiscal year ending Sep-
tember 30, 1960:

For salaries of Board Members..	27,000.00
For other salaries.....	315,000.00
For other expenses.....	65,000.00
For equipment purchases.....	16,000.00

Total	423,000.00
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For the fiscal year ending September 30, 1961:

For salaries of Board Members..	27,000.00
For other salaries.....	395,000.00
For other expenses.....	83,000.00
For equipment purchases.....	18,000.00

Total	523,000.00
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(7) REMOVAL OF PRISONERS:

For expenses incident to removal of prisoners, estimated	25,000.00
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E. DEBT SERVICE:

- (1) For the payment of principal and interest due on bonds issued by Alabama Polytechnic Institute pursuant to Constitutional Amendment No. CXX,

For the fiscal year ending September 30, 1960	301,620.00
For the fiscal year ending September 30, 1961	299,082.50

- (2) For Hospital Construction Bond Sinking Fund,

For the fiscal year ending September 30, 1960	212,266.00
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- (3) For the payment of principal and interest due on bonds issued by the Alabama State Hospitals and Partlow State School Bond commission pursuant to Constitutional Amendment No. CXVIII,

For the fiscal year ending September 30, 1960	266,550.00
For the fiscal year ending September 30, 1961	264,912.50

- (4) For the payment of principal and interest on bonds issued for hospital construction pursuant to Constitutional Amendment No. CXXI,

For the fiscal year ending September 30, 1960	223,725.00
For the fiscal year ending September 30, 1961	225,075.00

- (5) For interest on Spanish American War Veterans Fund, estimated.....

294.86

(6) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX,	
For the fiscal year ending September 30, 1960	301,620.00
For the fiscal year ending September 30, 1961	299,082.50
(7) For the payment of principal and interest due on bonds issued by State Docks-Inland Waterways, pursuant to Constitutional Amendment No. CXVI,	
For the fiscal year ending September 30, 1960	97,018.75
For the fiscal year ending September 30, 1961	97,018.75

F. MISCELLANEOUS:

(1) For advertising lands for tax sale, estimated	4,500.00
(2) Alabama Agricultural and Industrial Exhibit Commission	25,000.00
(3) For payment of Attorneys fees in indigent capital cases (as provided in Act No. 176, 1947 Acts, page 61), estimated.....	32,500.00
(4) Automatic Appeal Expense as provided in 1943 Acts of Legislature, page 217, estimated	2,000.00
(5) For Civil Court Cost in connection with Ad Valorem tax assessment appeals, estimated	1,000.00
(6) For Court Costs to be paid by the State of Alabama, pursuant to Act No. 558, Acts 1957, page 777, estimated.....	164,000.00
(7) For Court Costs to be paid by the State of Alabama not otherwise provided for, estimated	1,000.00
(8) For distribution of public documents, estimated	2,000.00
(9) Election expenses, estimated.....	250,000.00
This appropriation made pursuant to provisions of Act No. 160, 1955 Acts, page 407, for costs and expenses of elections.	
(10) Departmental Emergency Fund.....	150,000.00
This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appropriated and the total amount expended under the provisions of said section.	

(11) Employees' Special Pension Fund, estimated.....	200,000.00
(12) For expenses of Governor's Proclamations, For the fiscal year ending September 30, 1960, estimated	85,000.00
For the fiscal year ending September 30, 1961, estimated	25,000.00
(13) For Mailing tax notices, estimated.....	3,500.00
(14) Purchase Code Pocket Supplement, For the fiscal year ending September 30, 1960, estimated	40,000.00
(15) For printing of State and County Privilege Licenses, estimated.....	6,000.00
(16) For Registration of Voters, For the fiscal year ending September 30, 1960, estimated	175,000.00
For the fiscal year ending September 30, 1961, estimated	125,000.00
(17) For Spanish War Veterans Encampment.....	1,000.00
(18) Commission on Uniform State Laws.....	1,000.00
Total amount appropriated by Act No. 926, Acts 1951, page 1575, for expenses, opera- tion and contributions of Commission.	
(19) First White House of the Confederacy: For salaries and Other Expenses.....	4,000.00

G. FROM FUNDS OTHER THAN GENERAL FUND:

(1) AERONAUTICS DEPARTMENT

For salary of the Director.....	7,200.00
For other salaries.....	27,575.00
For other expenses.....	11,000.00
For equipment purchases.....	500.00
Total	46,275.00
For State aid for Airports—For Airports and Airmarkings	350,000.00

The above appropriation shall be paid from the State Airports Development Fund as provided by Act No. 402, Acts 1945, page 620, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(2) AGRICULTURE AND INDUSTRIES:

(a) Administrative Operations:

For the fiscal year ending
September 30, 1960:

For the salary of the Commissioner	8,400.00
For other salaries.....	697,764.00
For other expenses.....	340,722.00
For equipment purchases.....	44,000.00
For Awarding Prizes and Premiums	35,000.00

Total 1,125,886.00

For the fiscal year ending
September 30, 1961:

For the salary of the Commissioner	8,400.00
For other salaries.....	697,764.00
For other expenses.....	321,134.00
For equipment purchases.....	44,000.00
For Awarding Prizes and Premiums	35,000.00

Total 1,106,298.00

The above appropriations are payable from funds in the Agricultural Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated, but said appropriations shall also include the appropriation made in III. B (5).

(b) Transfer to Funds from the Agricultural Fund:

For the fiscal year ending
September 30, 1960:

- | | |
|---|-----------|
| (1) For transfer to Agricultural Center Board for operation and rental (Livestock Coliseum, Montgomery) | 84,300.00 |
| (2) For transfer to State Personnel Department | 3,783.00 |
| (3) Livestock Coliseum..... | 25,000.00 |
| (4) White-Fringed Beetle... | 27,000.00 |

(5) For transfer to Shipping Point Inspection fund to be expended by the Department of Agriculture and Industries for salaries, other expenses and equipment purchases for inspection, grading, and classification of fruits and vegetables at Jefferson County Truck Growers Association, farmers' market.....	12,500.00
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Total	152,583.00
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For the fiscal year ending
September 30, 1961:

(1) For transfer to Agricultural Center Board for operation and rental (Livestock Coliseum, Montgomery)	83,100.00
(2) For transfer to State Personnel Department	3,903.00
(3) Livestock Coliseum.....	25,000.00
(4) White-Fringed Beetle.....	27,000.00

Total	139,003.00
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(Provided, however, that any surplus remaining in the Agricultural Fund at the end of a fiscal year in excess of fifty thousand dollars shall be transferred to the State General Fund.)

(c) Egg Inspection Division:

For the fiscal year ending
September 30, 1960:

For salaries.....	24,780.00
For other expenses.....	24,100.00
For equipment purchases.....	12,000.00

Total	60,880.00
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For the fiscal year ending
September 30, 1961:

For salaries.....	27,384.00
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For other expenses.....	27,200.00	
Total		54,584.00

The above appropriations are payable from funds in the Egg Inspection Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(d) 1. Agricultural Center Board:

For the fiscal year ending September 30, 1960:		
For salaries.....	8,000.00	
For other expenses.....	5,500.00	
For rental (Livestock Coliseum, Montgomery)	70,300.00	
Total		83,800.00

For the fiscal year ending September 30, 1961:		
For salaries.....	8,000.00	
For other expenses.....	5,500.00	
For rental (Livestock Coliseum, Montgomery)	69,100.00	
Total		82,600.00

The above appropriation to the Agricultural Center Board shall be paid out of the Agricultural Center Board Fund and includes the appropriation made to said fund as provided in subsection (b) hereof.

2. Livestock Coliseum:

For the fiscal year ending September 30, 1960:		
For salaries.....	37,000.00	
For other expenses.....	52,000.00	
For equipment purchases..	6,000.00	
Total		95,000.00

For the fiscal year ending September 30, 1961:		
For salaries.....	38,000.00	
For other expenses.....	52,000.00	
For equipment purchases..	5,000.00	
Total		95,000.00

The funds hereinabove appropriated to the Agricultural Center Board for the Livestock Coliseum shall be paid out of the Livestock Coliseum Fund, and the appropriation hereinabove includes the appropriation made to said Fund as provided in Subsection (b) hereof.

(e) White Fringed Beetle Control Fund:

For salaries.....	7,540.00	
For other expenses.....	3,032.00	
For purchase of necessary insecticides for eradication of White Fringed Beetle....	16,000.00	
Total		26,572.00

The funds hereinabove appropriated for the eradication of the White Fringed Beetle shall be paid out of the White Fringed Beetle Control Fund and includes the appropriation made to said fund as provided in sub-section (b) hereof.

(f) Shipping Point Inspection Fund:

There is hereby appropriated, out of receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956), for Shipping Point Inspection work performed by the Department of Agriculture and Industries for the payment of salaries, other expenses, and equipment purchases all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including service furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities. This appropriation shall also include the amount appropri-

ated under sub-section (b) hereof which appropriation shall be expended by the Department of Agriculture and Industries for inspection, grading and classification of fruits and vegetables at Jefferson County Truck Growers Association, farmers' market.

(3) ALCOHOLIC BEVERAGE CONTROL BOARD:

(a) Administrative and Stores Division:

For the fiscal year ending
September 30, 1960:

For salary of the Administrator	10,000.00	
For other salaries	2,530,836.00	
For other expenses (transportation costs for merchandise excluded)	682,500.00	
For equipment purchases	50,000.00	
For transfer to State Personnel Department	11,816.00	
For transfer to Commission on Education with Respect to Alcoholism	196,426.00	
For transportation costs on merchandise, estimated	160,000.00	
Total Estimated		3,641,578.00

For the fiscal year ending
September 30, 1961:

For salary of the Administrator	10,000.00	
For other salaries	2,557,656.00	
For other expenses (transportation costs for merchandise excluded)	689,200.00	
For equipment purchases	50,000.00	
For transfer to State Personnel Department	12,192.00	
For transfer to Commission on Education with Respect to Alcoholism	196,426.00	
For transportation costs on merchandise, estimated	160,000.00	
Total Estimated		3,675,474.00

In addition to the above appropriation herein made there is hereby appropriated for each additional retail store put into operation during each fiscal year, an amount equal to the sum required to install the last comparable retail store put into operation by said Board. Provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

(b) Law Enforcement Division:

For the fiscal year ending
September 30, 1960:

For salaries.....	508,000.00	
For other expenses.....	189,950.00	
For equipment purchases.....	41,500.00	
Total		739,450.00

For the fiscal year ending
September 30, 1961:

For salaries.....	540,000.00	
For other expenses.....	200,050.00	
For equipment purchases.....	41,500.00	
Total		781,550.00

(c) For transfer to the State Department of
Education for Temperance Education... 25,000.00

The appropriations hereinabove made to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(d) Beer Tax and License Division:

For the fiscal year ending
September 30, 1960:

For salaries.....	156,000.00
For other expenses.....	78,000.00
For equipment purchases.....	1,000.00

Total	235,000.00
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For the fiscal year ending
September 30, 1961:

For salaries.....	166,000.00
For other expenses.....	78,000.00
For equipment purchases.....	1,000.00

Total	245,000.00
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The appropriation hereinabove made to the Alcoholic Beverage Control Board shall be paid out of the gross proceeds from the licenses, permits, and tax on malt beverages.

(4) COMMISSION ON EDUCATION
WITH RESPECT TO ALCOHOLISM:

For salaries.....	132,076.00
For other expenses.....	52,527.00
For equipment purchases.....	7,000.00

Total	191,603.00
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The above appropriation shall be paid out of funds transferred from the Alcoholic Beverage Control Board.

(5) STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For the fiscal year ending Sep-
tember 30, 1960:

For salaries.....	1,800.00
For other expenses.....	10,907.50
For equipment purchases.....	300.00

Total	13,007.50
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For the fiscal year ending Sep-
tember 30, 1961:

For salaries.....	1,800.00
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For other expenses.....	13,907.50
For equipment purchases.....	500.00

Total	16,207.50
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The above appropriation is payable out of funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(6) ARMORY COMMISSION:

For the fiscal year ending September 30, 1960:

For salaries.....	163,032.00
For other expenses.....	363,000.00
For equipment purchases.....	20,000.00
For additions and betterments.....	100,000.00

Total	646,032.00
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For the fiscal year ending September 30, 1961:

For salaries.....	163,032.00
For other expenses.....	388,000.00
For equipment purchases.....	20,000.00

Total	571,032.00
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The funds hereinabove appropriated to the Armory Commission shall be paid out of the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care and maintenance of armories as provided in Item III A (25).

(7) ALABAMA STATE BAR ASSOCIATION:

For salaries.....	12,300.00
For other expenses and Equipment purchases.....	52,500.00

Total	64,800.00
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The above appropriation is payable out of the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(8) DEPARTMENT OF CONSERVATION:

(a) Administrative Division:

For the fiscal year ending
September 30, 1960:

For the salary of the Director	10,000.00
For other salaries	225,000.00
For other expenses	117,000.00
For equipment purchases	9,000.00
For transfer to Personnel Department	9,614.00

Total	370,614.00
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For the fiscal year ending
September 30, 1961:

For the salary of the Director	10,000.00
For other salaries	225,000.00
For other expenses	117,000.00
For equipment purchases	9,000.00
For transfer to Personnel Department	9,920.00

Total	370,920.00
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The above appropriation shall be paid out of the Department of Conservation—Administrative Fund and includes the appropriations made to this Division as provided in this section.

(b) State Forestry Division:

For the fiscal year ending
September 30, 1960:

For salaries	1,300,000.00
For other expenses	420,000.00
For equipment purchases	100,000.00
For additions and betterments	15,000.00
For transfer to Conservation Department—Administrative Account	135,000.00

Total	1,970,000.00
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For the fiscal year ending
September 30, 1961:

For salaries	1,365,000.00
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For other expenses.....	440,000.00	
For equipment purchases.....	100,000.00	
For additions and better- ments	15,000.00	
For transfer to Conservation Department—Administra- tive Account.....	135,000.00	
Total		2,055,000.00

The funds hereinabove appropriated to the Forestry Division shall be paid out of the Forestry Fund and the appropriations hereinabove made includes the appropriations made to the said fund as provided in Item III, B (2) of this Act. In the event of an emergency, so determined by the Director of Conservation and the Governor, the Director of Conservation with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Division of Forestry.

(c) Game and Fish Division:

For the fiscal year ending September 30, 1960:		
For salaries.....	700,000.00	
For other expenses.....	500,000.00	
For equipment purchases.....	100,000.00	
For additions and better- ments	310,000.00	
For transfer to Conservation Department—Administra- tive Account.....	185,000.00	
Total		1,795,000.00

For the fiscal year ending September 30, 1961:		
For salaries.....	735,000.00	
For other expenses.....	500,000.00	
For equipment purchases.....	100,000.00	
For additions and better- ments	310,000.00	
For transfer to Conservation Department—Administra-		

tive Account.....	185,000.00	
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Total		1,830,000.00
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The funds hereinabove appropriated to the Game and Fish Division shall be paid out of the Game and Fish Fund.

(d) State Lands Division:

For the fiscal year ending
September 30, 1960:

For salaries.....	32,000.00
For other expenses.....	12,000.00
For equipment purchases.....	2,500.00

Total	46,500.00
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For the fiscal year ending
September 30, 1961:

For salaries.....	34,000.00
For other expenses.....	12,000.00
For equipment purchases.....	2,000.00

Total	48,000.00
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The funds hereinabove appropriated to the State Lands Division shall be paid out of the State Lands Division Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III B (2) in this Act.

(e) State Parks Division:

For the fiscal year ending
September 30, 1960:

For salaries.....	192,000.00
For other expenses.....	160,000.00
For equipment purchases.....	10,000.00

Total	362,000.00
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For the fiscal year ending
September 30, 1961:

For salaries.....	202,000.00
For other expenses.....	170,000.00
For equipment purchases.....	10,000.00

Total	382,000.00
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The funds hereinabove appropriated to the State Parks Division shall be paid

out of the State Parks Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III B (2) in this Act.

(f) Seafoods Division:

For the fiscal year ending
September 30, 1960:

For salaries.....	69,700.00
For other expenses.....	47,300.00
For equipment purchases.....	40,000.00

(Provided, however, that none of the appropriation may be used for purchase of automobiles or trucks.)

For improving publicly owned oyster beds.....	100,000.00
For transfer to Conservation Department — Administra- tive Account.....	50,000.00

Total	307,000.00
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For the fiscal year ending
September 30, 1961:

For salaries.....	69,700.00
For other expenses.....	47,300.00
For equipment purchases.....	25,000.00

(Provided, however, that none of the appropriation may be used for purchase of automobiles or trucks.)

For improving publicly owned oyster beds.....	125,000.00
For transfer to Conservation Department — Administra- tive Account.....	50,000.00

Total	317,000.00
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The funds hereinabove appropriated to the Seafood Division shall be paid out of the Seafood Fund.

(9) STATE LICENSING BOARD
FOR GENERAL CONTRAC-
TORS:

For the fiscal year ending Sep-
tember 30, 1960:

For salaries.....	21,048.00	
For other expenses.....	16,665.00	
For equipment purchases.....	500.00	
Total		38,213.00
For the fiscal year ending Sep- tember 30, 1961:		
For salaries.....	21,192.00	
For other expenses.....	16,965.00	
For equipment purchases.....	500.00	
Total		38,657.00

In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(10) BOARD OF CORRECTIONS:

For the fiscal year ending September 30, 1960:	
For the salary of the Commissioner.....	12,000.00
For transfer to the State Personnel Department	7,593.00
For the fiscal year ending September 30, 1961:	
For the salary of the Commissioner.....	12,000.00
For transfer to the State Personnel Department	7,835.00

So much as may be necessary of all fees, receipts, income and appropriations to the Board of Corrections is hereby appropriated to the said Board of Corrections for the payment of all salaries, expenses and equipment purchases and for additions and betterments as may be necessary for the proper maintenance and operation of the convict system.

(11) ALABAMA BOARD OF COS-
METOLOGY:

For the fiscal year ending September 30, 1960:

For salaries.....	26,100.00
For other expenses.....	27,876.00
For equipment purchases.....	500.00

Total	54,476.00
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For the fiscal year ending September 30, 1961:

For salaries.....	27,480.00
For other expenses.....	27,976.00
For equipment purchases.....	500.00

Total	55,956.00
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The above appropriation shall be payable from the funds in the State Treasury to the credit of the Alabama Board of Cosmetology pursuant to provisions of Act No. 653, 1957 Regular Session.

(12) ALABAMA STATE DOCKS BOARD:

For transfer to the State Personnel Department:

For the fiscal year ending September 30, 1960	2,202.00
For the fiscal year ending September 30, 1961	2,272.00

The above appropriation shall be paid from income, receipts and revenues derived from the operations of the Alabama State Docks Board.

(13) STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

For the fiscal year ending September 30, 1960:

For salaries.....	15,690.00
For other expenses.....	19,668.00
For equipment purchases.....	1,000.00

Total	36,358.00
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For the fiscal year ending September 30, 1961:

For salaries.....	16,032.00
For other expenses.....	21,618.00
For equipment purchases.....	1,000.00

Total	38,650.00
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The above appropriation is payable out of the funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama 1940, as amended.

(14) STATE BOARD OF REGISTRATION FOR FORESTERS:

For the fiscal year ending September 30, 1960:

For other expenses.....	2,656.00	
For equipment purchases.....	125.00	
Total		2,781.00

For the fiscal year ending September 30, 1961:

For other expenses.....	3,055.00	
For equipment purchases.....	125.00	
Total		3,180.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Professional Foresters' Fund.

(15) HEALTH DEPARTMENT:

(a) Hospital Licensing:

For the fiscal year ending September 30, 1960:

For salaries	10,250.00	
For other expenses.....	2,000.00	
Total		12,250.00

For the fiscal year ending September 30, 1961:

For salaries	10,730.00	
For other expenses.....	2,000.00	
Total		12,730.00

The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(b) Bureau of Vital Statistics:

For salaries	42,250.00
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The above appropriation is payable from the funds in the Vital Statistics Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(c) County Health Work:

For salaries, other expenses and equipment purchases	355,000.00
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The above appropriation is payable from the funds transferred to this account in Item III, A (17) of this Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

(16) HIGHWAY AND BRIDGES:

For interest and sinking funds on outstanding highway bonds, so much of the gasoline taxes and motor vehicle licenses collected as may be necessary to pay the same; and for the compensation of the State Highway Director, \$15,000.00; for transfer to the State Personnel Department, \$48,403.00 for the fiscal year ending September 30, 1960, and \$49,943.00 for the fiscal year ending September 30, 1961; for maintenance and construction of roads and bridges, for salaries and for other expenses of the Highway Department, the residue of gasoline taxes, motor vehicle licenses, and all other revenues coming in or accruing to the Highway Department; and all funds accruing to the Highway Department by virtue of Federal Aid.

(17) DEPARTMENT OF INDUSTRIAL RELATIONS:

For salary of the Director, estimated	10,800.00
For transfer to the State Personnel Department:	
For the fiscal year ending September 30, 1960	11,072.00
For the fiscal year ending September 30, 1961	11,424.00
For other salaries and expenses incident to the operation and management of the Department; for U. S. Employment Service, U. S. Unemployment Compensation, and for such	

other funds, services and operations for which the United States Government may provide monies: There is hereby appropriated, in addition to the amounts appropriated herein in Item III A (20), all such sums as the United States Government may make available therefor.

(18) STATE INSURANCE FUND:

For the fiscal year ending September 30, 1960:

For salaries	60,060.00	
For other expenses	19,625.00	
For equipment purchases	8,500.00	
Total		88,185.00

For the fiscal year ending September 30, 1961:

For salaries	60,960.00	
For other expenses	23,125.00	
For equipment purchases	8,500.00	
Total		92,585.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.

(19) LAW ENFORCEMENT FUND..... 8,000.00

The above appropriation shall be paid from the proceeds deposited to the credit of the Law Enforcement Fund pursuant to Title 29, Section 251, Code of Alabama 1940, as amended, and the expenditures authorized from such fund are limited to the amount appropriated herein.

(20) LIQUEFIED PETROLEUM GAS COMMISSION:

For the fiscal year ending September 30, 1960:

For salaries	14,520.00	
For other expenses	9,082.00	
For equipment purchases	4,000.00	
Total		27,602.00

For the fiscal year ending September 30, 1961:

For salaries	15,108.00
For other expenses.....	6,582.00
For equipment purchases.....	300.00

Total	21,990.00
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The above appropriation is payable from funds in the State Treasury to the credit of the Liquefied Petroleum Gas Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(21) ALABAMA MILK CONTROL BOARD:

For the fiscal year ending September 30, 1960:

For salaries	69,624.00
For other expenses.....	34,870.00
For equipment purchases.....	1,500.00

Total	105,994.00
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For the fiscal year ending September 30, 1961:

For salaries	69,624.00
For other expenses.....	35,070.00
For equipment purchases.....	1,500.00

Total	106,194.00
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The above appropriation shall be paid out of the Milk Control Board Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

(22) BOARD OF NURSES' EXAMINERS AND REGISTRATION:

For the fiscal year ending September 30, 1960:

For salaries	24,509.00
For other expenses.....	15,460.00
For equipment purchases.....	500.00

Total	40,469.00
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For the fiscal year ending September 30, 1961:

For salaries	25,478.00
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For other expenses.....	15,270.00	
For equipment purchases.....	3,000.00	
Total		43,748.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

(23) OIL AND GAS BOARD:

For the fiscal year ending September 30, 1960:		
For salaries	91,853.00	
For other expenses.....	42,000.00	
For equipment purchases.....	6,000.00	
For salaries, other expenses and equipment to be allotted upon opening of new oil and gas fields	25,000.00	
Total		164,853.00

For the fiscal year ending September 30, 1961:		
For salaries	95,507.00	
For other expenses.....	42,000.00	
For equipment purchases.....	6,000.00	
For salaries, other expenses and equipment to be allotted upon opening of new oil and gas fields	25,000.00	
Total		168,507.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Oil and Gas Fund pursuant to the provisions of Act No. 1, approved May 22, 1945.

(24) PENSIONS:

- (a) For Confederate veterans and their widows; Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

The above appropriation shall be paid out of the proceeds from the levy of the

one mill tax as provided by Title 51,
Section 19, Code of Alabama 1940.

(25) DEPARTMENT OF PENSIONS AND
SECURITY:

For the salary of the Commissioner.....	10,000.00
For transfer to the State Personnel Department:	
For the fiscal year ending September 30, 1960	14,458.00
For the fiscal year ending September 30, 1961	14,918.00
For other salaries and expenses incident to the operation and management of the Department for all welfare purposes as provided by law, there is hereby appropriated, in addition to the amounts set out in Item III A (26), all Federal, State, County and Municipal funds made available therefor, provided that not more than the sum of \$2,400,000.00 for the fiscal year ending September 30, 1960, and \$2,450,000.00 for the fiscal year ending September 30, 1961, of the State funds herein appropriated for welfare purposes may be used for administrative purposes of the Department, including employer's contribution to the Federal old age, survivors and disability insurance program; provided, further, that not more than twenty-seven and one-half per centum of the State funds appropriated herein for welfare purposes may be allotted in any one quarter of a fiscal year.	

(26) PERSONNEL DEPARTMENT:

For the fiscal year ending September 30, 1960:	
For salary of the Director.....	9,000.00
For other salaries.....	101,770.00
For other expenses.....	36,020.00
For equipment purchases.....	1,200.00
Total	147,990.00
For the fiscal year ending September 30, 1961:	
For salary of the Director.....	9,000.00
For other salaries.....	104,330.00
For other expenses.....	37,102.00
For equipment purchases.....	1,200.00
Total	151,632.00

The above appropriation shall be paid from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

(27) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the Special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258 and 260 of the Constitution of 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four per cent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

(28) PUBLIC SERVICE COMMISSION:

For the fiscal year ending September 30, 1960:

For salary of the President and Two Associate Commissioners	33,500.00
For other salaries.....	161,621.00
For other expenses.....	76,608.00
For equipment purchases.....	10,000.00

Total	281,729.00
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For the fiscal year ending September 30, 1961:

For salary of the President and Two Associate Commissioners	33,500.00
For other salaries.....	164,575.00
For other expenses.....	68,900.00
For equipment purchases.....	10,000.00

Total	276,975.00
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The above appropriation to the Alabama Public Service Commission shall be payable only out of inspection and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may

be set aside by law to be used by the Commission; and all receipts from fees and taxes paid to the Alabama Public Service Commission in excess of \$50,000.00 at the end of each fiscal year shall revert to the General Fund in the State Treasury.

**(29) ALABAMA REAL ESTATE
COMMISSION:**

For the fiscal year ending September 30, 1960:

For salaries	21,372.00	
For other expenses.....	19,960.00	
For equipment purchases.....	2,500.00	
Total		43,832.00

For the fiscal year ending September 30, 1961:

For salaries	21,372.00	
For other expenses.....	19,960.00	
For equipment purchases.....	1,200.00	
Total		42,532.00

The above appropriation shall be paid out of the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, of the Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(30) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (31) of this Act,

For the fiscal year ending September 30, 1960.....	294,887.50
For the fiscal year ending September 30, 1961.....	301,706.82

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Financial Institution Excise Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1960.....	40,915.00
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For the fiscal year ending Sep-	
tember 30, 1961.....	41,862.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Forest Severance Tax collections as part of the cost of operating said Department,

For the fiscal year ending Sep-	
tember 30, 1960.....	40,915.00

For the fiscal year ending Sep-	
tember 30, 1961.....	41,862.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Gasoline Tax collections as part of the cost of operating said Department,

For the fiscal year ending Sep-	
tember 30, 1960.....	225,956.00

For the fiscal year ending Sep-	
tember 30, 1961.....	231,183.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from Income Tax collections, for the cost of collecting said tax,

For the fiscal year ending Sep-	
tember 30, 1960.....	612,993.00

For the fiscal year ending Sep-	
tember 30, 1961.....	627,174.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Iron Ore Tonnage Tax collections as part of the cost of operating said Department,

For the fiscal year ending Sep-	
tember 30, 1960.....	4,423.00

For the fiscal year ending Sep-	
tember 30, 1961.....	4,526.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Mileage Tax collections as part of the cost of operating said Department,

For the fiscal year ending Sep-	
tember 30, 1960.....	151,497.00

For the fiscal year ending Sep-	
tember 30, 1961.....	155,002.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Motor Fuel Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1960.....	111,319.00
For the fiscal year ending September 30, 1961.....	113,895.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Motor Vehicle License collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1960.....	158,500.00
For the fiscal year ending September 30, 1961.....	162,168.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax,

For the fiscal year ending September 30, 1960.....	23,959.00
For the fiscal year ending September 30, 1961.....	24,514.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the Public School Fund as part of the cost of collection of the 3-Mill Ad Valorem Tax,

For the fiscal year ending September 30, 1960.....	71,141.00
For the fiscal year ending September 30, 1961.....	72,787.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Sales Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1960.....	1,543,724.00
For the fiscal year ending September 30, 1961.....	1,579,439.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Store License Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1960.....	23,591.00
For the fiscal year ending September 30, 1961.....	24,137.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Tobacco Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1960.....	258,393.00
For the fiscal year ending September 30, 1961.....	264,371.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Use Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1960.....	123,852.00
For the fiscal year ending September 30, 1961.....	126,717.00
For the fiscal year ending September 30, 1960:	
Total	3,686,065.50
For the fiscal year ending September 30, 1961:	
Total	3,771,343.82

There is hereby appropriated to the Revenue Department from the gross proceeds of Motor Vehicle License collections for the purchase only, of motor vehicle license tags,

For the fiscal year ending September 30, 1960	500,000.00
For the fiscal year ending September 30, 1961	500,000.00

(31) DEPARTMENT OF REVENUE—
ADMINISTRATIVE ACCOUNT:

For the fiscal year ending September 30, 1960:

For the salary of the Commissioner	10,000.00
For other salaries.....	2,411,114.00
For other expenses.....	1,083,489.20

For equipment purchases.....	39,631.65	
For transfer to State Personnel Department	7,929.00	
Total		3,552,163.85

For the fiscal year ending September 30, 1961:

For the salary of the Commissioner	10,000.00	
For other salaries.....	2,466,065.00	
For other expenses.....	1,113,451.32	
For equipment purchases.....	37,327.50	
For transfer to State Personnel Department	8,181.00	
Total		3,635,024.82

The amounts hereinabove appropriated for the cost of maintenance and operation of Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by Local Acts of the Legislature as a charge for the collection of taxes or a licenses.

(32) STATE BOARD OF VETERINARY
MEDICAL EXAMINERS:

For salaries	100.00	
For other expenses.....	2,900.00	
Total		3,000.00

The above appropriation is payable out of funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

(33) STATE DEPARTMENT OF
EDUCATION:

For Temperance Education:		
For salaries	11,040.00	
For other expenses.....	12,760.00	

For equipment purchases.....	500.00
Total	24,300.00

The above appropriation is payable out of the funds transferred to this Account in Item III, G (3) (c) of this Act.

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission, or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, the amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for those appropriations designated as 'estimated', and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuition, charges, sales, endowments, trusts or income therefrom which it now or may hereafter be authorized to receive, collect or disburse.

Section 6. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency,

institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provisions or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 8. That all laws and parts of laws, general, special, private or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. That this Act shall become effective on October 1, 1959.

Approved June 24, 1959.

Time: 3:40 P. M.

Act No. 99

S. 31—Eddins, Green, Samford, Wilson, Andrews, Barnett, Archer, Shelton, Berryman, Du-mas, Cooper, Golson, Rutledge, Robison, Moses, Haltom, Givhan, Farmer, Webb, Hines, Word, Leonard, Clark, Godfrey, Crawford, Roberts, Graham, Kendall, de-Graffenried, Gaither, Turner, Porter, Caffey, Wyatt, and Jones

AN ACT

To change the name of the bridge on U. S. Highway No. 80, which crosses the Tombigbee River and connects Marengo and Sumter Counties, from "The Memorial Bridge" to "The Demopolis Rooster Bridge"; and to direct the State Highway Department to erect at or affix to this bridge appropriate plaques or markers showing its new designation.

Be It Enacted by the Legislature of Alabama:

Section 1. The bridge on U. S. Highway No. 80, which crosses the Tombigbee River and connects Marengo and Sumter Counties, now known as "The Memorial Bridge," is hereby redesignated and shall hereafter be known as "The Demopolis Rooster Bridge," in honor of F. I. Derby.

Section 2. The State Highway Department is directed to erect at or affix to the aforesaid bridge appropriate plaques or markers showing the name thereof as "The Demopolis Rooster Bridge."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 24, 1959.

Time: 3:10 P. M.

Act No. 100

S. 68—deGraffenried, Andrews, Wyatt, Gaither, Rutledge, Hines, Samford, Robison, Cooper, Berryman, Haltom, Golson, Turner, Givhan, Kendall and Dumas

AN ACT

Relating to the practice and teaching of dentistry and allied arts and callings; providing for the regulation, examination, investigation, and licensing of persons engaged in the practice or teaching of dentistry, the practice of dental hygiene, or the operation of dental laboratories; authorizing the suspension and revocation of such licenses; providing for the administration and enforcement of the Act, imposing fees and charges, making appropriations, prescribing penalties, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Objects and Purposes of Act.—The practice of dentistry is hereby declared to affect the public health, safety, and welfare; and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the dental profession merit and receive the confidence of the public and that only qualified dentists be permitted to practice dentistry in the State of Alabama. All provisions of this act relating to the practice of dentistry and dental hygiene shall be liberally construed to carry out these objects and purposes.

Section 2. Board of Dental Examiners of Alabama, election, qualification, term, vacancy, removal from office.—In order to accomplish the purposes and to provide for the enforcement of this act, there is hereby created the Board of Dental Examiners of Alabama. The Board is hereby vested with the authority to carry out the purposes and enforce the provisions of this act. Upon the effective date of this act, the members of the present Board of Dental Examiners now in existence shall hold office for the remainder of their respective terms for which they have been elected and thereafter until their successors are elected and qualified and shall constitute the Board of Dental Examiners of Alabama under this act. The Board of Dental Examiners of Alabama shall consist of five (5) dentists who are members in good standing of the Alabama Dental Association and who shall have been actively engaged in the practice of dentistry in the State of Alabama for at least five years next preceding the date of their election. And no members of the Board shall be a member of the faculty of any dental school or dental college or receive any financial benefits for teaching in any dental school or dental college, or have a financial interest in a commercial dental laboratory or a dental supply business. The Alabama Dental Association shall elect one (1) member to the Board at each of its annual meetings. Each member so elected shall hold office for a period of five (5) years, which term shall begin immediately upon taking

an oath to properly and faithfully discharge the duties of his office and until his successor is elected and qualified, said member so elected shall not at the expiration of the said term be eligible to succeed himself. Vacancies for any cause on the Board shall be filled by appointment of the Executive Council of the Alabama Dental Association, such appointee shall hold office until the next annual meeting of the Alabama Dental Association at which time his successor shall be elected to fill the unexpired term. Members of the Board may be removed from office at any time by a majority vote of a quorum present at a meeting of the Alabama Dental Association for neglect of duty or any other cause.

Section 3. Officers, seal, meetings, quorum, compensation and expenses; fees.—The Board shall annually elect from its membership a President, Vice President, and Secretary-Treasurer, and may employ a secretary who is not a member of the Board and it shall not be necessary that the secretary be a dentist. The Board shall have a common seal. The Board shall hold an annual meeting in Birmingham at the University of Alabama School of Dentistry as soon as practical after the graduation exercises of the Dental School for the purpose of examining applicants for a license to practice dentistry and dental hygiene or at such other times and places as the Board may designate for the purpose of transacting its business and examinations. Three (3) members of the Board shall constitute a quorum for the transaction of business at any meeting, except that in conducting hearings involving the suspension or revocation of licenses and examinations of licensure five (5) members of the Board shall be present. In conducting examinations or hearings involving the suspension or revocation of licenses, a majority of the Board may appoint any former member of the Board and such other members of the Alabama Dental Association who for such purposes shall have all the powers and privileges of such office as the regular Board members possess. Out of the funds of the Board, the members thereof shall receive as compensation the sum of Twenty-five Dollars (\$25.00) per day and necessary expenses for each day actively engaged in the duties of their office. The Secretary-Treasurer shall receive such compensation as may be fixed by the Board which shall be in addition to his per diem and expenses provided no per diem or expenses shall be allowed unless his duties require his absence from his office. The secretary shall receive such compensation as may be fixed by the Board. The Secretary-Treasurer shall be custodian of all property, monies, records, and the official seal of the Board. All monies received by the Board under this act shall be paid to and received by the Secretary-Treasurer thereof who shall deposit same to the credit of the Board in a bank selected by its members for the use of the Board in the execution and enforcement of the provisions of this Act and the payments of salaries, expenses, and other costs herein provided for shall be paid by checks drawn by the Secretary-Treasurer and counter-

signed by the President of the Board. Should the property be other than money, the Secretary-Treasurer shall provide for the safe-keeping thereof for the use of the Board. All monies, including license fees, annual renewal license certificate fees, examination fees and any and all other fees and receipts received under the provisions of this act, are hereby appropriated to the Board of Dental Examiners of Alabama to be used as herein provided.

Section 4. Bond; annual report; national affiliation.—The Secretary-Treasurer of the Board shall give bond in such sum as may be prescribed by the Board conditioned to faithfully and honestly discharge the duties of said office according to law, which bond shall be made payable to the Board of Dental Examiners of Alabama and held in the custody of the president of said Board. The Secretary-Treasurer of the Board shall make an annual report to the Alabama Dental Association, which report shall contain an itemized statement of all monies received and disbursed, a summary of the official acts of the Board during the preceding year, and said report shall have attached thereto a certified report and audit made by a Certified Public Accountant of the State of Alabama. A copy of said report and audit shall be filed of record in the office of the Department of Finance of the State of Alabama. The Board may affiliate with the American Association of Dental Examiners, may pay dues to the said association, and may send two (2) members of the Board to the meetings of said Association. Such delegates may receive the per diem herein provided for attending such meetings and reimbursement for necessary expenses audited and allowed by the Board.

Section 5. Powers and duties.—The Board shall exercise, subject to the provisions of this act, the following powers and duties:

1. Adopt such rules for its government as it may deem necessary and proper.
2. Prescribe rules for qualification and licensing of dentists and dental hygienists.
3. Conduct examinations to ascertain the qualification and fitness of applicants for licenses as dentists and dental hygienists.
4. Make rules and regulations regarding sanitation.
5. Formulate rules and regulations by which dental schools and colleges shall be approved.
6. Grant licenses, issue license certificates, teacher's permits, and annual registration certificates in conformity with this act to such qualified dentists and dental hygienists.
7. Conduct hearings or proceedings to suspend or revoke a license granted under the authority of this act or previous acts.

8. Employ such persons as it may deem necessary to assist in carrying out its duties in the administration and enforcement of this act, and to provide offices, furniture, fixtures, supplies, printing, or secretarial service; expend such funds as may be deemed necessary therefor, and employ an attorney or attorneys, subject to the approval of the Attorney General, to advise and assist in the carrying out and enforcing of the provisions of this act.

9. Investigate violations of the act that may come to the knowledge of the Board, and institute or cause to be instituted before the Board or in a proper court appropriate proceedings in connection therewith.

10. Adopt rules and regulations to carry out and make effective the provisions of this act.

11. Publish annually the rules and regulations promulgated by the Board, a copy of the Dental Practice Act, and a list of all persons licensed to practice under this act.

Section 6. Record book of licensees; copy as evidence; fee for certified copies.—The Secretary-Treasurer of the Board shall keep a registry in which shall be entered the names of all persons to whom license certificates and annual registration certificates have been granted under this act, the numbers of such license certificates and annual registration certificates, the dates of granting the same, and other matters of records, and he shall keep a true and correct copy of the minutes of all Board meetings, and the book so provided and kept shall be the official book of records. A photostatic copy of said records, or a copy of said records certified by the Secretary-Treasurer and under the seal of the Board, shall be admitted in any of the courts of this State as prima facie evidence of the facts contained in said records, and in lieu of the original thereof. A certificate under the hand of the Secretary-Treasurer and the seal of the Board that there is not entered in such record books, the name and number of and date of granting such license certificate or renewal license certificate to a person charged with a violation of any of the provisions of this act shall be prima facie evidence of the facts contained therein. Such certificates shall be admitted in any of the courts of this State in lieu of the records of the Board. The original books, records, and papers of the Board shall be kept at the office of the Secretary-Treasurer of the Board, which office shall be at such place as may be designated by the Board.

Section 7. License required to practice dentistry.—It shall be unlawful for any person to practice dentistry in the State of Alabama, except: (1) those who are now duly licensed dentists, pursuant to law; and (2) those who may be hereafter duly licensed and who are currently registered as dentists, pursuant to the provisions of this act.

Section 8. License required to practice dental hygiene.—It shall be unlawful for any person to practice dental hygiene in the State of Alabama, except: (1) those who are now licensed dental hygienists, pursuant to law; and (2) those who may hereafter be duly licensed and who are currently registered as dental hygienists pursuant to the provisions of this act.

Section 9. Penalty for practicing dentistry and dental hygiene without a license; violation of act, rules and regulations.—Any person who shall practice dentistry or dental hygiene in this State within the meaning of this act without having first obtained from the Board a license and an annual registration certificate, when said certificate is required by this act, or who violates any of the provisions of this act, or who wilfully violates any published rule or regulation of the Board, or who does any act described in this act as unlawful, the penalty for which is not herein specifically provided, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each offense, to be fixed by the court trying said case, and in addition thereto may be, in the discretion of the court, sentenced to hard labor for the county for a period not to exceed twelve (12) months.

Section 10. Definition of the practice of dentistry.—Any person shall be deemed to be practicing dentistry who performs, or attempts or professes to perform, any dental operation or dental service of any kind, gratuitously or for a salary, fee, money, or other remuneration paid, or to be paid, directly or indirectly, to himself, or to any person in his behalf, or to any agency which is a proprietor of a place where dental operations or dental services are performed; or

1. Who directly or indirectly, by any means or method, makes impression of the human tooth, teeth, jaws or adjacent tissue, or performs any phase of any operation incident to the replacement of a tooth or any part thereof; or

2. Supplies artificial substitutes for the natural teeth, and who furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth; or

3. Who places such appliance or structure in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed; or

4. Who professes to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth, or who diagnoses, or professes to diagnose, prescribe for, professes to prescribe for, treats, or professes to treat, disease, pain, de-

formity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure, or who extracts, or attempts to extract, human teeth, or remove tumors, abnormal growths or other lesions from the human gums, jaws, and adjacent structures, or who operates for harelip or cleft palate; or who treats surgically or mechanically fractures of the human jaw; or who administers local or general anesthetics in the treatment of any dental lesion; or

5. Who repairs or fills cavities in the human teeth; or

6. Who uses a roentgen or x-ray machine for the purpose of taking dental x-rays or roentgenograms, or who gives, or professes to give, interpretations or readings of dental x-rays or roentgenograms, or x-rays or roentgen therapy; or

7. Who administers an anesthetic of any nature in connection with a dental operation; or

8. Who uses the words "dentist", "dental surgeon", "oral surgeon", or the letters "D. D. S.", "D. M. D.", or any other words, letters, title, or descriptive matter which in any way represents him as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the teeth or jaws or adjacent structures; or

9. Who states, or professes, or permits to be stated or professed by any means or method whatsoever that he can perform or will attempt to perform dental operations, or render a diagnoses connected therewith; or

10. Who performs any clinical operation included in the curricula of recognized dental colleges, provided, however, that members of the faculty, teachers, instructors, fellows, interns, residents, dental students and student dental hygienists who are employed by or who are taking courses or instructions at the University of Alabama School of Dentistry or such other dental colleges, hospitals, or institutions in Alabama, as may be approved by the Board, and provided that the work of fellows, interns, residents, dental students and student dental hygienists is performed within the facilities of such dental colleges, hospitals and institutions under the supervision of an instructor and as an adjunct to his course of study or training, shall not be required to take examinations or obtain a license certificate and renewal license certificate when all of such work, dental operations, and activities are confined to his work in said college, hospital, or other institution and said work is done without remuneration other than the regular salary or compensation paid by such colleges, hospitals or other institutions.

Section 11. Exemptions of certain practices and operations.—Nothing in this act shall apply to the following practices, acts and operations:

1. To the practice of his profession by a physician or surgeon holding a certificate or qualification as a medical doctor and licensed as such under the laws of this State, provided he shall not practice dentistry as a specialty.

2. The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Navy, Air Force, or other armed services, Public Health Service, Coast Guard, or Veterans' Administration; or

3. The practice of dentistry by a licensed dentist of other states or countries at meetings of The Alabama Dental Association or components thereof, or other like dental organizations approved by the Board, while appearing as clinicians, or when appearing in emergency cases upon the specific call of dentists duly licensed under the provisions of this act; or

4. To the filling of prescriptions of a licensed and registered dentist, as hereinafter provided, by any person or persons, association, corporation, or other entity, for the construction, reproduction, or repair of prosthetic dentures, bridges, plates, or appliances on a model made by or from impressions taken by a licensed and currently registered dentist, to be used or worn as a substitute for natural teeth, provided that such person or persons, association, corporation, or other entity, shall not solicit or advertise, directly or indirectly by mail, card, newspaper, pamphlet, radio, television, or otherwise, to the general public to construct, reproduce, or repair prosthetic dentures, bridges, plates, or other appliances to be used or worn as substitutes for natural teeth; or

5. To the use of roentgen machines or other rays for making radiograms or similar records, of dental or oral tissues under the supervision of a licensed dentist or physician; provided, however, that such services shall not be advertised by any name whatever as an aid or inducement to secure dental patronage, and no person shall advertise that he has, leases, owns, or operates a roentgen machine for the purpose of making dental radiograms of the human teeth or tissues or the oral cavity, or administering treatments thereto for any disease thereof.

Section 12. Instructors; permits; rules and regulations; revocation of permits.—The Board shall issue teaching permits to persons who hold a dental degree where such persons are not licensed and registered to practice dentistry or dental hygiene in this State. The Dean of a dental college located in this State shall be required to annually certify to the Board the members of the school's clinical faculty who are not licensed and registered to practice dentistry or dental hygiene in the State and shall be required to promptly notify the Board of any change in personnel on the clinical faculty. The Board shall be required to issue teaching permits to applicants upon the certification of the dean

of a dental college located in this State setting forth that such applicant is a bona fide member of the clinical faculty of such college. Such teaching permit shall be valid so long as the holder thereof remains a member of the clinical faculty of such dental college. The holder of a teaching permit shall be subject to all provisions of the act regulating the practice of dentistry and dental hygiene in this State and shall be entitled to perform all clinical operations which a person licensed to practice dentistry or dental hygiene in this State would be entitled to perform but only within the facilities of the dental college and as an adjunct to his teaching functions in such college. A fee of five dollars (\$5.00) shall be paid to the Board on the issuance of a teaching permit.

Section 13. Proprietor defined; revocation of license, when.—The term "proprietor" as used in this act shall not in any way pertain to state institutions and shall be deemed to include any person who employs one or more dentists and dental hygienists in the operation of a dental office; or places in possession of a dentist, dental hygienist, or other agent, such dental material equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or retains the ownership or control of dental equipment, material, or office and makes the same available in any manner for the use by a dentist, dental hygienist, or other agent; provided, however, that nothing in this act shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retention title agreement, and, provided further, that this section shall not prohibit or restrict persons, firms, or corporations from employing or retaining licensed dentists to furnish dental treatment for their employees or dependents of their employees. A licensed dentist or dental hygienist who enters into any of the above described arrangements with an unlicensed proprietor may have his license and license certificate suspended or revoked by the Board.

Section 14. Application for license; qualification requirements.—Every person who desires to practice dentistry within the State of Alabama shall file with the Secretary-Treasurer of the Board his written application for a license, and furnish satisfactory proof that he is twenty-one (21) years of age, of good moral character, a citizen of the United States, and that he is a graduate of a dental school or college approved by the Board. Such application must be upon the form prescribed and furnished by the Board and verified by the oath of the applicant, accompanied by a fee to be determined by the Board, but said fee shall not be less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), and such application must contain a recent unmounted autographed photograph of the applicant. The Board may issue a

license without examination other than clinical to an applicant who is a citizen of the United States and who furnishes satisfactory proof that he is a graduate of a dental school approved by the Board if such applicant holds a license under equal requirements to those of this State, and has for five (5) consecutive years immediately prior to the filing of his application been engaged in the legal and ethical practice of dentistry in a state or the District of Columbia of the United States and furnishes such other evidence as to his qualifications and lawful practice as the Board may deem necessary. No license shall be issued under this section unless the state from which the applicant comes (or the District of Columbia) shall accord equal rights to licensed dentists of this State. The fee for issuing such reciprocal license shall be not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), to be determined by the Board.

Section 15. Examination of applicants, notice, examination papers filed, licenses.—When application and accompanying proof as are required herein are found satisfactory, the Board shall notify the applicant to appear before it for examination at a time and place to be fixed by the Board and each applicant shall be examined and graded by number in lieu of name. All examinations provided for in this act shall be conducted by the Board and shall be of such type and character as to test the qualifications of the applicant to practice dentistry. In conducting examinations, each member of the Board shall submit his questions to the other Board members and the entire Board shall decide whether or not each proposed question is fair and practical. It is provided, however, that the Board may recognize any written parts of an examination given by the National Board of Dental Examiners in lieu of such examinations or subject to such examinations as the Board may require. All examination papers, including questions and answers, with a separate list of those taking each examination and the numbers under which the examination was taken shall be filed by the Secretary-Treasurer of the Board with the Alabama State Department of Archives and History within thirty (30) days after the examination has been completed, to be kept for a period of not less than three (3) years. Those found qualified by the Board shall be granted a license and a license certificate which shall bear a serial number, the full name of the licensee, the date of issuance, and the seal of the Board, and shall be signed by each member of the Board.

Section 16. Recording of certificate.—Every person granted a license to practice dentistry or dental hygiene in this State by the Board of Dental Examiners of Alabama, as herein provided, shall cause his license certificate to be recorded in the office of the judge of probate of the county in which he desires to practice before beginning the practice of dentistry or dental hygiene in said county. Any person receiving a license from the Board,

whether or not intending to immediately engage in the practice of dentistry or dental hygiene in this State, shall cause his license certificate to be recorded in the office of the judge of probate in one of the counties of this State within sixty (60) days of the issuance of the license certificate.

Section 17. License certificate to be displayed.—Every practitioner of dentistry and dental hygiene within the meaning of this act shall have in his possession a license certificate and an annual registration certificate in the office wherein he practices.

Section 18. Change of address.—Every licensed dentist and dental hygienist upon changing his place of practice, whether from one building, city, street address, or county, to another, shall within thirty (30) days thereafter furnish the Secretary-Treasurer of the Board with the new address. The Secretary-Treasurer shall acknowledge receipt of change of address within thirty (30) days.

Section 19. Annual information and registration fee; license suspended for non registration; reinstatement; penalty; waiver of fees.—No person shall practice dentistry in the State of Alabama unless licensed by the Board and registered annually as required by this act. The Secretary-Treasurer of the Board shall mail to each such licensee an initial registration form which shall contain space for the insertion of his name, address, date and number of his license certificate, and such other information as the Board shall deem necessary. The licensee shall sign and verify the accuracy of his registration before a notary public after which he shall forward said registration to the Secretary-Treasurer of the Board together with a fee of four dollars (\$4.00). Each subsequent registration shall be made upon the form as above prescribed except that it need not be verified. On or before the first day of October of each year, every dentist licensed to practice dentistry in the State shall transmit to the Secretary-Treasurer of the Board the completed form prescribed by the Board, together with a fee of four dollars (\$4.00), and receive therefor the current annual registration certificate authorizing him to continue the practice of dentistry in the State for a period of one year. Any license and license certificate previously granted under the authority of this or any prior dental practice act shall automatically be suspended if the holder thereof fails to secure the annual registration certificate herein provided for before the first day of January each year. Any dentist whose license shall be automatically suspended by reason of failure, neglect, or refusal to secure the annual registration certificate shall be reinstated by the Board upon payment of the penalty fee of twenty-five dollars (\$25.00) plus all accrued annual registration fees accompanied with the prescribed form for annual registration of such license. Upon failure of any licensee to file application for the annual registration certificate and pay the annual

registration fee on or before the 30th day of November each year, the Board shall notify such licensee by registered mail addressed to his last address of record that such application and fee have not been received and that unless such application and fee are received on or before the first day of January his license and license certificate shall be automatically suspended. The Board shall notify such licensee by registered mail addressed to his last address of record the effective date of his automatic suspension and the provisions for registration of such license. The Board shall waive the annual payment of fees herein provided for and issue a current annual registration certificate to any licensee who, because of age or physical disability, has retired from the practice of dentistry or who is suffering a malady of a lingering or permanent nature. The Board by rule shall waive annual registration and the payment of fees while any licensee is on temporary active duty with any of the armed forces of the United States. The waiver of fees herein provided shall be effective so long as said retirement because of age or physical disability or temporary active duty continues.

Section 20. Fees.—The Board shall collect fees provided for in this act as follows:

Examination fee for dental applicants, to be fixed by the Board	\$25.00 to \$50.00
Examination for dental applicants under reciprocal agreements	\$50.00 to \$100.00
Examination and training permit fee for dental hygienists	\$20.00 to \$40.00
License certificate fee	\$10.00
Duplicate license certificate fee	\$10.00
Annual registration certificate fee	\$ 4.00
Duplicate annual registration certificate fee	\$ 1.00
Teaching permit	\$ 5.00

Section 21. Improper use of name; suspension or revocation of license.—On and after the passage of this act, it shall be unlawful for any person or persons to practice or offer to practice dentistry under any name except his own name, which shall be the name used in his license certificate granted to him as a dentist as provided in this act; and it shall be unlawful to use the name of any company association, corporation, clinic trade name, or business name in connection with the practice of dentistry as defined in this act, provided nothing herein contained shall be so construed as to prevent two or more licensed dentists from associating together for the practice of dentistry, each in his own proper name. The violation of any of the provisions of this section by any dentist shall subject such dentist to suspension or revocation

of his license. It shall be unlawful, and a licensee may have his license suspended or revoked, for any licensee to conduct a dental office in his name, or advertise his name in connection with any dental office or offices, unless such person is personally present in said office operating as a dentist or personally overseeing such operations as are performed in said office or each of said offices; provided, however, when an associate in practice is on temporary active duty with the armed forces his name may be continued as a partner. It shall be unlawful for a licensee to permit his or her name to appear on or within the office which he has sold to another licensee and from which he has severed his active practice, provided the name of a dentist who sells his office to a licensed dentist may remain on the offices for a period not to exceed six (6) months. In like manner it shall be unlawful for the buyer to permit the former owner's name to appear on or within said office, except as herein provided.

Section 22. Offenses by dentist and dental hygienist, suspension or revocation of license; dishonorable conduct defined by rules.—The Board may refuse to issue the license or license certificate provided for in this act or may suspend or revoke the license of any dentist or dental hygienist, now in force or that shall be hereafter issued, whenever it shall be established to the satisfaction of the Board, after a hearing as hereinafter provided, that any licensed dentist or dental hygienist has been guilty of the following:

1. Fraud, deceit, or misrepresentation, whether knowingly or unknowingly, in obtaining any license, license certificate, annual registration certificate, money, or other thing of value; or
2. Gross immorality; or
3. Is a menace to the public health or to patients, or others, by reason of a disease; or
4. Is an habitual user of intoxicants or drugs rendering him unfit for the practice of dentistry or dental hygiene; or
5. Has been convicted for violation of federal or state narcotics or barbiturate laws; or
6. Is guilty of gross negligence in the practice of dentistry or dental hygiene; or
7. Is guilty of employing, allowing or permitting any unlicensed person or persons to perform any work in his office which, under the provisions of this act, can only be legally done by a person or persons holding a license to practice dentistry or dental hygiene; or
8. Wilfully or negligently violates the rules of the State Department of Health or of the Board regarding sanitation; or

9. Is guilty of division of fees, or agreeing to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or his legal representative, except the division of fees between dentists practicing in a partnership and sharing professional fees, or in case of one licensed dentist employing another; or

10. Is guilty of professional connection or association with or lending his name to anyone who is engaged in the illegal practice of dentistry; or

11. Conviction in any court of competent jurisdiction of a felony or a misdemeanor involving moral turpitude; or

12. The use of the name "clinic", "institute", or other title that may suggest a public or semi-public activity; or

13. Is guilty of the publication or circulation, directly or indirectly, of any fraudulent, false, or misleading statements as to the skill or methods or practice of himself or of any other person; or

14. The advertising of the performance of any dental operation without causing pain, or of the advertising in any manner which tends to deceive or defraud the public; or of the claiming or implying of professional superiority over other practitioners; or the publishing of reports of cases or testimonials of patients in any public advertising media; or the use of advertising in which reference is made to any anesthetic, drug, formula, material, medicine, method, system, or mechanical or electrical device used or to be used; or the advertising of any free dental services or examinations, or anything else to be given away as an inducement to secure dental patronage; or the advertising of price, cost, charge, fee or terms of credit for the services performed or to be performed, or for material used in or to be used by any person engaged as principal or agent in the practice of dentistry; or the advertising of bargains, cut rates, or special values in dental service or productions; or the employment of a solicitor or other agent to obtain patronage; or the advertising of artificial teeth or dentures; or the public exhibition or use of specimens of dental work; or the use of large display signs, light signs, electric or neon, or any signs, posters, or any other media calling attention to the public to any person engaged in the practice of dentistry; or the giving of a public demonstration of skill or methods; or practicing dentistry upon or along the streets or highways or any place other than the office where the licensee is known to be regularly engaged in the practice of dentistry, except as provided by this act, of the advertising of a guarantee for any dental services; or

15. The Board may suspend or revoke the license of any dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any prophylactic lists, call lists, records, re-

prints or copies of same, or information gathered therefrom, of the names of patients whom such dental hygienist served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of her present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this act. The Board shall also suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic list, or the calling by telephone or by use of letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist formerly employing such hygienist or nurse. No order of suspension or revocation provided in this section shall be made or entered except after hearing by the Board as provided in this act, and such order shall be subject to judicial review as provided by this act.

Section 23. Professional advertising.—Any person licensed under this act may announce by way of publication in the local press a maximum of three (3) insertions stating the opening, change of place of practice, absence from or return to practice, provided such card is not greater than three and one-half (3½) inches in length by two (2) inches in width and must not include more than the dentist's name, title, degree, office location, telephone number and office hours, and residence address and telephone number, if desired; or issue appointment slips to his patients, when the information thereon is limited to matters pertaining to the time and place of appointment and instructions to patients. A dentist shall be allowed to use only non-illuminated signs to advertise his name, the fact that he is engaged in the practice of dentistry, the location of his office and his office hours. These signs shall be limited to a total area of not more than three hundred (300) square inches and shall not contain letters more than three (3) inches in height. Such signs may be placed only within the professional office or offices or upon the doors or windows thereof, or on the door or within or upon the buildings or premises in or on which such office or offices are located. No dentist shall permit the placing of his name in any city, commercial, telephone, or other public directory or directories in public or office buildings, using what is known as display type or type that is in any way dissimilar from the standard in size, shape or color or to use any other device tending to give his name visual prominence over other names listed. Violation of any provision of this section shall subject the dentist to the revocation or suspension of his license.

Section 24. Unauthorized advertising or use of dental services and appliances; misdemeanor; penalties for violation; revocation of license.

1. Any person, which word when used in this section shall

include all legal entities, who shall advertise in any manner to the general public that he can or will sell, supply, furnish, construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth, or for the regulation thereof, shall be guilty of a misdemeanor, and the circuit courts shall have jurisdiction to enjoin such person from so doing.

2. Any such person not licensed to practice dentistry in this State who shall sell or offer any such service or products to the general public shall be guilty of a misdemeanor, and the circuit courts shall have jurisdiction to enjoin such person from so doing.

Section 25. Employing the services of commercial dental laboratory or private technician.—Every duly licensed and registered dentist who employs the services of a commercial dental laboratory or private technician for the purpose of constructing, altering, repairing, or duplicating any denture, plate, crown, partial plate, bridge, splint, orthodontic or prosthetic appliance, shall be required to furnish said commercial dental laboratory or private technician an impression or model taken by said dentist when necessary, together with a prescription setting forth the following: (1) the name and address of the commercial dental laboratory or private dental technician; (2) the patient's name or identification number, and if a number is used the patient's name shall be written upon the duplicate copy of the prescription retained by the dentist; (3) the date on which the prescription was written; (4) a description of the work to be done, with diagram if necessary; (5) a specification of the type and quality of materials to be used; (6) the signature of the dentist and his license number. Such prescription shall be made in duplicate form. The duplicate copy shall be retained in a permanent file for a period of two (2) years by the dentist and the original copy shall be retained on a permanent file for a period of two (2) years by the commercial dental laboratory or private technician. Such permanent file of prescriptions to be kept by such dentists, commercial dental laboratory, or private technician shall be open to inspection at any reasonable time by the Board or its duly constituted agent. Failure of the dentist, commercial dental laboratory, or private technician to keep such permanent records of prescriptions which are identifiable with each denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance shall be prima facie evidence of a violation of this act and shall constitute and be punishable as a misdemeanor.

Section 26. Sale, offer to sell, procurement or alteration of diploma or certificate; fraud or cheating.—Whoever sells or offers to sell a diploma conferring a dental degree, or a license certificate or annual registration certificate granted pursuant to this act or prior dental act, or procures such diploma or license certificate or annual registration certificate with intent that it shall be used as

evidence of the right to practice dentistry or dental hygiene as defined by law, by a person other than the one upon whom it was conferred, or to whom such license certificate or annual registration certificate was granted, or with fraudulent intent alters such diploma or license certificate or annual registration certificate, or uses or attempts to use it when it is so altered, shall be deemed guilty of a misdemeanor. The Board may refuse to grant a certificate to practice dentistry or dental hygiene to any person found guilty of making a false statement, or cheating, or of fraud, or deception either in applying for a license, a license certificate or annual registration certificate, or in taking any of the examinations provided for herein.

Section 27. Title and letters.—Any licensed dentist of this State being a graduate of a reputable dental school or college recognized by the Board shall have the right to use the title "Doctor", or abbreviation thereof before his name, or appended to his name the letters "D. D. S.", "D. M. D.", or equivalent letters signifying the dental degree conferred upon him.

Section 28. Board to assist prosecuting officers.—The Board and its members and officers shall assist prosecuting officers in the enforcement of this act, and it shall be the duty of the Board, its members and officers, to furnish the proper prosecuting officers with such evidence as it or they may ascertain to assist them in the prosecution of any violation of this act, and the Board is authorized for such purposes to make such reasonable expenditures from the funds of the Board as it may deem necessary to ascertain and furnish such evidence.

Section 29. Statement and notice before revocation or suspension of license.—No action to revoke or suspend a license shall be taken until the licensee has been furnished a statement in writing of the charges against him, together with a notice of the time and place of the hearing. The statement of charges and notice shall be served upon the licensee at least twenty (20) days before the date fixed for hearing, either personally or by registered certified mail sent to his last known post office address.

Section 30. Review by courts of any order of the Board of Dental Examiners of Alabama.—From any order of the Board refusing to issue a license or license certificate or revoking or suspending a license or license certificate any party affected thereby may bring an action in the circuit courts to set aside said order on the ground that the same is unlawful or arbitrary.

Section 31. Injunctions.—When it appears to the Board that any person who is not licensed under the provisions of this act is violating any of the provisions of this act, the Board may in its own name bring an action in the circuit court for an injunction, and said court of this State may enjoin any person from violating

this act regardless of whether proceedings have been or may be instituted before the Board or whether criminal proceedings have been or may be instituted.

Section 32. Subpoenas and testimony.—In all matters pending before it, the Board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books and records, documentary evidence and materials or other evidence. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or to produce any papers, books, records, documentary evidence or materials or other evidence in the matter to be heard, after having been required by order of the Board or by a subpoena of the Board to do so may, upon application by the Board to any circuit judge of the State of Alabama be ordered to comply therewith, and upon failure to comply with the order of said circuit judge the said court may compel obedience by attachment as for contempt as in case of disobedience of a similar order or subpoena issued by said court. The President and Secretary-Treasurer of the Board shall have authority to issue subpoenas and any Board member shall have authority to administer oaths to witnesses, or to take their affirmation. A subpoena or other process of paper may be served upon any person named therein, anywhere within the State of Alabama with the same fees and mileage by any officer authorized to serve subpoenas or such other process or paper in civil actions, in the same manner as is prescribed by law for subpoenas issued out of the circuit courts of this State, said fees and mileage and other costs to be paid as the Board directs.

Section 33. Taking of depositions.—Depositions may be taken within or without the State of Alabama in the manner provided for by the laws of Alabama for the taking of depositions in matters pending in the circuit courts of this State. Said depositions shall be returnable to the clerk of the circuit court of the county wherein said hearing before the Board is pending, and said clerk shall deliver said depositions to the Board upon request, and said depositions may be opened or used by the parties to said proceedings the same as is provided for in matters pending before the circuit courts. The circuit court shall, upon request of any interested party in any proceedings before the State Board, issue commissions for the taking of depositions in the same manner as is provided by law for the issuance of commissions for the taking of depositions in matters pending before the circuit courts of this State.

Section 34. Definitions.—For the purposes of this act, the following terms are defined as follows:

1. **License**—The grant of authority by the Board to a person to engage in the practice of dentistry or dental hygiene.

2. License certificate—The documentary evidence under seal of the Board that said Board has granted authority to the licensee to practice dentistry or dental hygiene in this State.

3. Annual registration—The documentary evidence that the Board has renewed the authority of the licensee to practice dentistry or dental hygiene in this State.

4. Board—Whenever the word Board is used it shall mean and be so construed to mean the Board of Dental Examiners of Alabama.

5. Commercial dental laboratory—A technician or group of technicians available to any or all licensed dentists for construction or repair of dental appliances.

6. Private technicians—A technician employed by a dentist or group of dentists for a specified salary.

Section 35. Dental hygienists, examination, qualification, rules and regulations, fees, license, display, penalty for violations, misdemeanor.—No person shall practice as a dental hygienist in this State until such person has passed an examination given by the Board under such rules and regulations as it may promulgate. The fee for such examination shall be not less than twenty dollars (\$20.00) nor more than forty dollars (\$40.00), and the license certificate fee shall be ten dollars (\$10.00). The Board shall issue licenses and license certificates as dental hygienists to those persons who have passed said examination and have been found qualified by the Board. The license certificate and annual registration certificate shall be displayed in the office in which the dental hygienist is employed. No person shall be entitled to such license and license certificate unless such person shall be a citizen of the United States of America, more than nineteen years of age and of good moral character. Each applicant for examination and license as a dental hygienist shall be a graduate of a school of dental hygiene which has been approved by the Board or in lieu thereof shall have served at least one (1) year as a dental assistant and shall have served at least one (1) year as a dental hygienist trainee under a training permit issued by the Board to a qualified dentist practicing in this State in accordance with the dental hygienist training program established by the Board of Dental Examiners of Alabama. Any person practicing in violation of the provisions of this section shall be guilty of a misdemeanor and the Board may revoke or suspend her license for such violation.

Section 36. Employment of dental hygienists; supervision by licensed dentist; limitation of practice; suspension and revocation of license.—A dental hygienist shall work only under the direct supervision of a duly licensed dentist practicing in this State. Dental hygienists may take, develop, and mount oral x-rays; re-

move calcaerous deposits, accretions or stains from the teeth; and she may assist a licensed dentist in his practice. Any person licensed by the Board under this section who has completed the curriculum for dental hygienists at a dental school approved by the Board shall have the right to use the title Dental Hygienist or the abbreviations thereof, "D. H." appended to her name signifying the certificate conferred on her. The Board may suspend or revoke the license, license certificate, and annual registration certificate of any licensed dentist who shall permit any dental hygienist working under his supervision to perform any operation other than those permitted under the provisions of this section, and may suspend or revoke the license of any dental hygienist who shall perform any operation other than those permitted under this section.

Section 37. Dental hygienist; duty to notify change of address and employer; duty to register.—It shall be the duty of all licensed dental hygienists to notify the Secretary-Treasurer of the Board of any change of address or employer and have issued to them an annual registration certificate by the Board. The form, method, and annual registration fee, provided for in section 19 of this act, shall apply to the annual registration of dental hygienists.

Section 38. Invalidity of any portion of dental laws.—If any part of this act is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, the remaining portion or portions of this act shall be and remain in full force and as valid as if such part had not been incorporated therein.

Section 39. This act supersedes Chapter 5 of Title 46, Code of Alabama (1940), which is hereby expressly repealed. And all other laws or parts of laws in conflict with this act are also repealed.

Section 40. This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved June 24, 1959.
Time: 3:25 P. M.

Act No. 101

H. 116—Cornett, Smith (Russell)

AN ACT

Proposing an amendment to the Constitution relative to the compensation of the officers of Russell County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

The legislature may hereafter, by general, special, or local laws, fix, regulate, or alter the costs and charges of courts, and the fees, commissions, percentages, allowances, or salaries to be charged or received by any officer of Russell County, including the method and basis of providing compensation, but shall not increase or diminish the compensation of such an officer during the term for which he is elected or appointed.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House May 22, 1959 as amended.

Passed the Senate June 23, 1959.

Act No. 102

S. J. R. 12—Robison, Webb, Jones, Wilson

SENATE JOINT RESOLUTION

To provide for a legislative advisory and study committee with the Board of Corrections.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING:

1. There shall be established a joint legislative advisory and study committee with the Board of Corrections, to consist of six Senators appointed by the President of the Senate and twelve Representatives appointed by the Speaker of the House.

2. It shall be the duty of the committee (1) to work with the Board of Corrections to study the feasibility of relocating the State's prison facilities and to provide for the disposition of existing prison properties; (2) make plans for such a program; (3) make a report of its findings, conclusions, and recommendations to the Governor and to the Legislature at the earliest practicable date; (4) submit to the Governor and to the Legislative Council

not later than January 1, 1961, drafts of any legislation needed to carry out the findings and recommendations of the committee.

3. The members of the committee shall select a chairman and vice chairman from among their own number, and shall meet at such time or times and at such places as the committee chairman or a majority of the committee may designate. The members of the Committee shall be entitled to their usual legislative per diem and expenses for attending committee meetings or when otherwise engaged on committee business while the Legislature is not in session. Provided, that no member of the Committee shall be paid for more than 30 days in any year.

4. The Legislative Reference Service shall serve as the secretariat of the Committee and shall provide such technical, clerical, or other assistance as the Committee may require.

Approved August 26, 1959.
Time: 11:30 A. M.

Act No. 103

H. 59—Turner, Phillips, Turnham, Torbert, Smith (Russell), Boyd, Pruitt, Britton, Adams (Tallapoosa), Pierce, Nettles, Grouby, Reynolds (Chambers), Jenkins, McClendon (Chambers), Oakley, Avery, Martin, Barnett, Gilmer, Brannan, Trimmier, Hawkins, Johnston, Daniel, Franklin, Bounds, Rogers, Cook, Dickson, Salter, Goodwyn, Nichols, Solomon, Ingram, Steagall

AN ACT

To appropriate from any funds in the State Treasury to the credit of the General Fund the sum of \$100,000 for the purpose of constructing, and equipping a building at Auburn, Alabama for the State Toxicologist and to further provide for such construction.

Be It Enacted by the Legislature of Alabama:

Section 1. That the sum of \$100,000 is hereby appropriated from any funds in the State Treasury to the credit of the General Fund to the State Building Commission to be used for the purpose of constructing and equipping a building at Auburn, Alabama on the campus of Alabama Polytechnic Institute to house the offices, laboratories and other facilities of the State Toxicologist. Such construction shall be under the supervision and control of the State Building Commission, and the appropriation herein made shall be expended on order of said Commission or

its duly authorized officers, agents or employees as directed by the Commission. The public improvement herein provided for shall be constructed pursuant to and in accordance with the provisions of Title 50, Code of Alabama 1940, as amended.

Section 2. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 26, 1959.

Time: 11:32 A. M.

Act No. 104

H. 90—Pierce

AN ACT

To make it unlawful to display, sell, offer for sale, barter, or give away any baby rabbits, or baby chicks, ducklings, or other fowl (but not including parrots, parakeets, and canaries), as pets or novelties; and to prescribe penalties for violation of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm or corporation to display, sell, offer for sale, barter, or give away any baby rabbits, or baby chicks, ducklings, or other fowl (but not including parrots, parakeets, and canaries) as pets or novelties, regardless of whether or not such rabbits or fowl are dyed, colored, or otherwise artificially treated.

Section 2. Whoever violates this Act is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed by law.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.

Time: 11:33 A. M.

Act No. 105

H. 147—Callahan

AN ACT

To amend Sections 424 and 429 of Title 7, Code of Alabama 1940, which relate to the manner of proving the law of other States in the courts of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 424 of Title 7, Code of Alabama 1940, is hereby amended to read as follows:

"Section 424. The unwritten or common law of any other of the United States or of the territories thereof, may be proved as facts by parol evidence; and the books of reports of cases adjudged in the respective states, purporting to be the official reports thereof or to have been published under the authority of the state, or as a part of the National Reporter System or of any universally accepted system of reports of decided cases, and the works of commentators of recognized authority on the law of the particular state involved, may also be admitted in evidence in proof of such unwritten or common law."

Section 2. Section 429 of Title 7, Code of Alabama 1940, is hereby amended to read as follows:

"Section 429. The printed statute books of the several states and territories of the United States, purporting to be printed under the authority of those states and territories, and any copy of any statute, or any part thereof, contained therein, having attached thereto the certificate of the secretary of state, under seal of the state, certifying the copy to be complete and correct; that the statute book, from which the copy is taken, is deposited in the office of the secretary of state or in the state library; and is, by him, believed to have been received under the authority of the state and territory purporting to have enacted the same—shall be presumptive evidence, in all courts, of the legislative acts, public or private, of those states or territories respectively. When the statute as written is only a part of the law of a state or territory and it is affected by other facts of a legal nature existing in that state or territory, if the courts of such state or territory have deduced from the written words of the statute upon a particular state of facts a well understood rule of law, then such rule of law may be proved by the testimony or opinions of competent witnesses instructed in the law of that state, or by the introduction into evidence of the books of reports of cases adjudged in that state, purporting to be the official reports thereof or to have been published under the authority of such state, or as a part of the National Reporter System or of any universally accepted system of reports of decided cases, or the works of commentators of recognized authority on the law of the particular state involved."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.
Time: 11:34 A. M.

Act No. 106

H. 150—Bevill, Ray, McLendon, Bailey, Guthrie, Bounds, Dodd, Jones (Covington), Camp, Goodwyn, Trimmier, Shumate, Sullivan, Ashworth.

AN ACT

To provide for the issuance, suspension, revocation, and renewal of licenses and certificates of registration of all persons admitted to or engaged in the practice of the healing arts or any branch thereof in the State of Alabama; creating a State Licensing Board for the Healing Arts to administer the act and to assist in the enforcement of other regulatory laws; providing for its organization, officers, jurisdiction, powers and duties; prescribing procedures and grounds governing the issuance, suspension, revocation, or renewal of such licenses and certificates of registration; imposing fees and charges; providing for the use of such fees and charges; and prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Board Created—Composition.—There is hereby created a board to be known as the "State Licensing Board for the Healing Arts," composed of the secretary of state, the attorney general and the state superintendent of education. Such board shall select three persons who are not practicing the healing arts or any branch thereof, and who do not have a degree in the healing arts or any branch thereof, and shall submit the names of such persons to the Governor, and the Governor shall select one of such persons to be the executive officer of the board. Such officer shall make and enter a bond for the faithful performance of his duties in an amount to be fixed by the board, and said bond shall be entered into with a surety company authorized to do business in the State of Alabama. The said bond shall be filed in the office of the secretary of state after having been approved by the board and the premium on said bond shall be paid out of the funds of the board.

Section 2. Scope of Powers.—The board as above constituted shall have exclusive power and authority to issue all licenses or duplicates of licenses authorizing the licensee to practice the healing arts, as defined herein, in the State of Alabama, and for the purposes of this act, practice of the healing arts is defined as offering or undertaking to diagnose, treat, operate on, or prescribe for any human pain, injury, disease, deformity, or physical or mental condition, provided that nothing in this act shall be construed as applying to dentists, pharmacists, nurses, midwives, shoe-fitters or salesman, barbers, cosmeticians, Christian Scientists, dispensing opticians or optometrists, or clinical psychologists practicing within the limits of their respective callings; nor to the sale, manufacture, or advertising of drugs, medicines, appliances for the prevention or relief of foot ailments or discomforts, household remedies, chemicals, and household preparations, pro-

vided that the vendor, maker or advertiser refrains from any attempt to diagnose.

Section 3. Certificates of Qualification Issued by Other Boards.—It shall be the duty of the State Board of Medical Examiners and the State Board of Chiropractic Examiners, and the branch board issuing certificates of qualification in reference to those persons proposing to practice osteopathy or chiropody, to issue certificates of qualification to the State Licensing Board for the Healing Arts, certifying each applicant for a license who has successfully passed the examination given by any of said boards or whose application for license or certificate of qualification by reciprocity has been acted upon favorably by any of said boards.

Section 4. Certification of Reciprocity Applications.—A licensee of any branch of the healing arts who seeks to be licensed in another state by reciprocity on the basis of his Alabama license shall have his application therefor certified by the board of the particular branch of the healing arts in which he is licensed and approved by the State Licensing Board for the Healing Arts. The fee for this certificate shall be ten dollars (\$10.00) and shall be paid to the board of the particular branch of the healing arts in which said applicant is licensed.

Section 5. Duplicate Licenses—Change of Name.—A licensee of any branch of the healing arts whose license has been lost or destroyed may make application to the board of that particular branch of the healing arts for a new certificate of qualification. Such application shall be accompanied by an affidavit setting out the facts concerning the loss or destruction of the license. Any licensee of any branch of the healing arts whose name is changed by marriage or court order may surrender his or her license and apply to the board of that particular branch of the healing arts for a new certificate of qualification. The fee for any new certificate of qualification shall be ten dollars (\$10.00) payable to the board issuing such certificate. The State Licensing Board for the Healing Arts shall issue a new license upon such certificate of qualification at no additional charge.

Section 6. Powers of Examining Boards.—Nothing in this act shall be construed as modifying, limiting, or in any way or manner affecting the rights of the boards regulating the various branches of the healing arts, as defined herein, to examine applicants for licenses, or for certificates of qualification, or to consider and act upon applications for licenses by reciprocity, submitted to such boards under the law applicable thereto. However, none of such boards shall issue licenses or certificates of qualification to any applicant who successfully passes the examination or whose application for a license by reciprocity is approved, but such board shall issue a certificate of qualification

for each applicant to the State Licensing Board for the Healing Arts for licensing as provided herein.

Section 7. Application for License on Certificate of Qualification.—When any applicant for a license to practice the healing arts, as defined herein, or any branch thereof, has complied fully with all the requirements of the law regulating the practice of any specified branch of the healing arts, including all requirements of the basic science law, if the same are applicable by law to such branch of the healing arts, the board in that particular branch of the healing arts shall issue a certificate of qualification to the State Licensing Board for the Healing Arts, certifying the qualification of such person as provided in Section 3, and thereafter such applicant may apply to the State Licensing Board for the Healing Arts for a license to practice the particular branch of the healing arts for which such certificate indicates his qualification. If the board finds that the applicant is of good moral character, and has been duly certified by a branch board as provided in Section 3 hereof, the board shall issue to such applicant a license unless it appears to the board that there is other good and reasonable cause for refusing to issue such license, it being the purpose and intent of this act to give the State Licensing Board for the Healing Arts an overall supervision, discretion and judgment with respect to the issuance of licenses authorizing the licensee to practice the healing arts or any branch thereof within the State of Alabama. The State Licensing Board for the Healing Arts shall have the power, and it shall be its duty, to inspect and determine for itself, and in the interest of the state, that each and every certificate of qualification issued by any board authorized by law to receive applications, conduct examinations and make preliminary determination of the qualification of any applicant for a license to practice the healing arts, or any branch thereof, was lawfully issued by such board and truly and correctly certifies all the facts therein contained.

Each application for a license filed with the State Licensing Board for the Healing Arts shall be on forms prescribed by said board, and shall be accompanied by a fee of ten dollars (\$10.00).

Section 8. Issuance of License.—Upon the filing of an application in proper form, if the board satisfy itself that all requirements of this act have been met, and that such application should be granted in the interest of public welfare, it shall forthwith issue to the applicant a license of a size and artistic design to be determined by the board.

Every such license issued by the board shall be dated and be numbered in the order of issuance, and shall be signed by the Executive Officer of the State Licensing Board for the Healing Arts, and by the chairman or other presiding officer of the state board charged with the duty by law of issuing certificates of

qualification, provided that no such license shall require signatures of the State Board of Examiners in the Basic Sciences.

Any provisions of law or this act to the contrary notwithstanding, practitioners of the healing arts, as defined herein, who are duly and lawfully authorized on the effective date of this act to practice the healing arts, or any branch thereof, and all persons lawfully certified on or after January 1, 1960 under Section 21 of that certain act of the legislature creating the state board of chiropractic examiners to practice chiropractic in this state shall be issued a license by said board to practice the healing arts upon making application to said board, all other requirements for such license being hereby expressly waived.

Section 9. Denial of License—Refund of Application Fee.—In the event the State Licensing Board for the Healing Arts determines that the application of any person for a license should be denied, the board shall promptly, upon reaching its decision, notify the applicant of its action, and such notice shall contain the reason for the board's denial of the application. In all cases where an application is denied, the board is empowered to decide if the fee of ten dollars (\$10.00) which accompanied the application for license should be refunded, and no applicant shall have the right to recover any part of such fee accompanying his application for license, the board being empowered to retain all of said fee in order to reimburse the state for expenses incident to an investigation of the applicant and the credentials certified to the State Licensing Board for the Healing Arts.

Section 10. Notice of Actions Affecting Licenses—Annual Directory of Licensees.—The State Licensing Board for the Healing Arts shall notify the boards of the various branches of the healing arts of the issuance of each license affecting each individual board, the revocation or suspension thereof, the reinstatement thereof, or any other action affecting the status of such licensees, and the boards of the various branches of the healing arts shall likewise notify the State Licensing Board for the Healing Arts of any suspension or revocation of any license by such boards. The State Licensing Board for the Healing Arts shall publish annually a directory listing all persons licensed to practice any branch of the healing arts in Alabama.

Section 11. Application for Annual Registration.—Every person licensed to practice any branch of the healing arts in the State of Alabama shall on or before the 31st day of December of each succeeding year apply to the board for a certificate of registration which shall be effective during the next calendar year. All new licenses issued by the State Licensing Board for the Healing Arts, upon application and payment of the registration fee hereafter provided, shall be registered by the board at the time of issuance and a certificate of registration, which shall be

effective until and including the following December 31st, shall be issued to the licensee. Each application shall be made on a form to be furnished by the board. Such application shall give the applicant's name in full, his address, the date and number of the license issued to such applicant for the practice of the healing arts or any branch thereof, and such other facts as shall tend to identify the applicant for registration and his license as the board shall deem necessary. Each applicant for registration shall submit with his application a check or cash in the amount of five dollars (\$5.00) as a registration fee; provided, that the registration fee for a period of less than six (6) months shall be two dollars and fifty cents (\$2.50). When any licensee shall fail to register and pay the annual registration fee within thirty (30) days after registration become due, as provided in this section, the license of such person shall be automatically revoked without further notice or hearing; provided, that any person whose license is automatically revoked as provided herein may make application in writing to the State Licensing Board for the Healing Arts for the reinstatement of such license and the board shall reinstate such license upon the payment of all past due renewal fees, and upon the further payment of the sum of ten dollars (\$10.00).

Section 12. Certificate of registration—Change of Address of Registrant.—Upon due application therefor, by a licensee of the State Licensing Board for the Healing Arts, and upon the payment of fees required to be paid by this act, the board shall issue to such applicant a certificate of registration signed by the Executive Officer of the board, which certificate shall recite that such person is duly registered for the year specified.

Such certificate of registration shall contain the name of the person to whom it is issued, the address of the person, the branch of the healing arts in which he is licensed to practice, the date and number of the license, and such other information as the board shall deem advisable.

If any registrant shall change his address during the year for which any certificate of registration shall have been issued by the board, such registrant shall, within fifteen (15) days thereafter, notify the board of such change, whereupon the board shall issue to such registrant, without additional fee, a duplicate registration certificate for such new location.

Section 13. Affidavit of Retirement.—Any person licensed to practice the healing arts or any branch thereof in this state, who has retired or may hereafter retire from such practice, shall not be required to register as required by this act, provided such person shall file with the State Licensing Board for the Healing Arts an affidavit on a form to be furnished by the board, which affidavit shall state the date on which said person retired from such practice and such other facts as shall tend to verify such

retirement as the board shall deem necessary; provided, that if such person thereafter re-engages in the practice of the healing arts or any branch thereof, such person shall register with the State Licensing Board for the Healing Arts, as provided by this act.

Section 14. Licensees in Armed Forces or Public Health Service.—Any person licensed to practice a healing art or any branch thereof in this state who is a commissioned officer in the Medical Corps of the Army, the Navy, the Air Force, or the Public Health Service of the United States, shall not be required to register as provided for in this act; provided, that when such person resigns or is honorably discharged from one of the aforementioned services and engages in the practice of a healing art or any branch thereof in this state, such person shall register with the State Licensing Board for the Healing Arts as provided for in this act.

Section 15. Display of Registration Certificate—Signs and Stationery.—Every person registered to practice the healing arts, as defined herein, or any branch thereof, under this act shall keep his certificate of registration displayed in a conspicuous place in the office or place in which he practices; and in addition, he shall keep placed in a conspicuous location at the entrance of his office a sign in intelligible lettering not less than one (1) inch in height, containing the name of such person, immediately followed by the recognized abbreviation indicating the professional degree, if any, held by such person, and containing immediately below the person's name, in equal size lettering, the word or words "Medicine," "Surgery," or "Medicine and Surgery," for practitioners of medicine and surgery; "Osteopath" or "Osteopathic Physician" for practitioners of osteopathy; "Chiropractor" for practitioners of chiropractic; "Chiropodist" for practitioners of chiropody; provided, however, that any recognized specialist in any branch of the healing arts, which special field is recognized by the State Licensing Board for the Healing Arts, may substitute the specialist designation for the words indicated hereinabove.

Section 16. Registration Requirements—Relationship to Other Laws.—No provision of this act shall be construed as repealing any other law with reference to the requirements regulating the practice of the healing arts, or any branch thereof, except insofar as the same may conflict with the provisions of this act. It is the purpose of this act to vest exclusively in the State Licensing Board for the Healing Arts the power to issue all licenses and certificates of registration to practice the healing arts as defined in this act.

Any person who receives a license to practice the healing arts, or any branch thereof, shall within ten (10) days after locating

in a county file said license in the office of the judge of probate of such county for record, and should said practitioner of the healing arts, or any branch thereof, remove his residence to another county he shall within said time have his license re-recorded in that county.

Section 17. Fees Collected by Board.—No fee for the issuance of licenses to practice the healing arts or any branch thereof shall be collected except by the State Licensing Board for the Healing Arts. The fees for certificates of annual registration required by the State Licensing Board for the Healing Arts shall be in addition to any annual registration fees required by law to be paid to the boards regulating the various branches of the healing arts. The boards regulating the various branches of the healing arts shall continue to collect fees for examinations, certificates of qualification, annual registration fees, and such other fees as are authorized by law or as are provided by the statutes creating such boards.

Section 18. Receipts and Expenses of Board.—All money, funds and other receipts received by the board shall be deposited in a depository which shall be a bank within this state designated by the board. Such funds shall be expended for carrying out the purposes of this act and may be withdrawn on order of the Executive Officer of the board. All such money and funds and other receipts are hereby appropriated for the use of the board for the necessary and proper expenses of the board and for carrying out the purposes of this act. The accounts of the board shall be examined annually by the office of the Chief Examiner of Public Accounts.

Section 19. Compensation of Board Members—Payment of Expenses.—No member of the State Licensing Board for the Healing Arts shall be paid any additional compensation for services rendered as members of such board, but all necessary and legitimate expenses incurred by the members of the board shall be paid out of the funds of the board upon order of the Executive Officer.

Expenses of the members of the board and other necessary disbursements shall be paid out of the funds of the board by check or draft drawn by the Executive Officer of the board.

Section 20. Concurrent Enforcement Powers.—The State Licensing Board for the Healing Arts, in addition to the powers and duties vested in it by the foregoing sections of this act with respect to licensing and registration of practitioners of the various branches of the healing arts, shall have the power and duty to enforce the provisions of all regulatory laws now in force and designed to prevent unlawful practices of the healing arts within the state, but this power of enforcement shall not be exclusive in the State Licensing Board for the Healing Arts, but shall be

concurrent with the power now vested in the branch examining boards authorized to enforce compliance with the various laws regulating the practice of the healing arts, and nothing in this act shall be construed as limiting or repealing the power of the various examining boards to police and prosecute, in the manner provided by law, violations of any such regulatory statutes.

Section 21. Grounds for Suspension or Revocation of License.—The State Licensing Board for the Healing Arts shall have the power and it is its duty to suspend for a specified time, to be determined in the discretion of the board, or revoke any license to practice the healing arts or any branch thereof in the State of Alabama whenever the licensee shall be found guilty of any of the following acts or offenses;

- (1) Fraud in procuring a license;
- (2) Immoral, unprofessional, or dishonorable conduct;
- (3) Habitual intoxication or addiction to the use of drugs;
- (4) Conviction of a felony;
- (5) Use of untruthful or improbable statements, or flamboyant or extravagant claims concerning such licensee's professional excellence or abilities;
- (6) Distribution of intoxicating liquors or drugs for any other than lawful purposes;
- (7) Wilful or repeated violations of any of the provisions of this act;
- (8) Conviction for any violation of federal or state narcotic or barbiturate law;
- (9) Unlawful invasion of the field of practice of any profession where license is required by this act when the licensee is not licensed to practice such profession.
- (10) Solicitation of professional patronage by any means whatsoever; provided that nothing herein shall be construed to prohibit a practitioner of the healing arts from inserting in a newspaper or other publication of general distribution an announcement or notice of (1) his entering into practice at a specific location, (2) his change of address, (3) his formation of a new partnership or other business association; such notice or announcement shall be conservative in nature and shall state only the name of the practitioner, his address or new address, the names of his associates or partners, his former associates or partners, and the branch of the healing arts and his specialties; provided further that nothing herein shall be construed to prohibit the use by practitioners of the healing arts of professional business cards stating the practitioner's name, professional partners or associates, telephone number, branch of the healing arts practiced and specialties;

(11) Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured;

(12) Division of fees or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient;

(13) Performing, procuring, or aiding and abetting in the performance of a criminal abortion;

(14) Wilful betrayal of a professional secret;

(15) Making use of any advertising statements of a character tending to deceive or mislead the public;

(16) Advertising prices for professional services;

(17) Advertising by the use of hand bills, posters, circulars, cards, neon, or other electric signs, radio, television, newspapers, or any kind of written publication; provided, however that notwithstanding contrary provisions in laws pertaining to any particular branch of the healing arts, licensees hereunder may be permitted to insert their names, their specialties, if any, addresses, and announcements of clinics, together with the names of staff members of such clinic, in the official publications of the licensees' professions, but this shall not authorize any such insertions in publications intended for distribution or actually distributed to the general public. Such insertions herein authorized shall not in any way be reproduced for or distributed to the general public. Nothing herein shall be construed to prohibit institutional advertising or institutional public relations by any state, county, or district association composed of members of the healing arts or any branch thereof. The term "institutional advertising" or "institutional public relations" as used is intended to mean advertising or public relations promoting the healing arts or any branch thereof in general, but may not include the names of individual practitioners or any personal identification of said practitioners by photograph, telephone number, address, name, or otherwise. Nothing herein shall be construed to prohibit a practitioner of the healing arts from allowing or causing his name, address and telephone number to be inserted in the classified section of a telephone directory under a classification denoting said practitioner's branch of the healing arts and also his specialty or specialties within said branch, but practitioners of the healing arts shall not cause or allow said listings so inserted to appear in large or boldface type more prominent than ordinary listings;

(18) Advertising any free professional services or free examinations;

(19) Offering discounts or inducements to prospective patients by means of coupons or otherwise to perform professional services during any period of time for a lesser or more attractive price;

(20) Advertising to guarantee any professional service or to perform any operation painlessly;

(21) Advertising any price or prices of corrective devices or services;

(22) Continuing to practice after suspension or revocation of certificate or qualification by the appropriate examining board;

(23) The board may also suspend or revoke the license of a licensee found to be mentally incompetent to a degree and of a character which renders the licensee unsafe or unreliable as a practitioner.

Section 22. Procedure for Suspension or Revocation.—In all proceedings for a suspension, or revocation of license, the holder of said license shall be given fifteen (15) days' notice to prepare for a hearing, and he shall be heard in person or by counsel, or both. Any member of the State Licensing Board for the Healing Arts shall have the power to administer oaths, issue subpoenas, and enforce the attendance of witnesses at the hearing of all matters arising in the course of their duties. The board shall have the power to make all needed rules for its proceedings in such a hearing, and in case any witness shall fail or refuse to obey a subpoena of the board, such board may issue an attachment for said witness directed to any sheriff or constable of the state and compel such witness to attend before the board and give his testimony upon such matters as shall be lawfully required by the board, and if a witness, after being duly summoned shall fail or refuse to attend, or to answer any questions propounded to him, to which he would be required to answer in court, the board shall have the power to fine and imprison such witness for contempt in the same manner as the judge in a circuit court of this state. Each witness who shall appear before the board, by order of the board, shall receive for his attendance before the board the compensation and mileage provided by law for the attendance of witnesses in the circuit courts of this state in civil cases. Such fees for compensation and mileage shall be paid from the funds of the board in the same manner as other expenses of the board are paid.

Any action of, or ruling or order made or entered by said board declining to issue a license, declining to issue a certificate of registration, or suspending or revoking a license, shall be subject to review by the circuit courts of this state. The person aggrieved by such ruling may file an appeal in the Circuit Court of Montgomery County within thirty (30) days after the date upon which such order or ruling is issued. Such notice of appeal shall be filed in the office of the Clerk of the Circuit Court of Montgomery County and shall contain a statement in writing, setting forth the fact that such order has been made by the

board, and the ground or grounds upon which such order was made, and the names and residences of the persons constituting such board. The appellant shall also file with such written statement a bond to be approved by the clerk conditioned to pay the costs of the appeal if judgment be rendered against the party making such appeal. The clerk shall issue a citation to the members of the board, requiring them on behalf of such board to appear before such court at a time to be named in such citation, not earlier than twenty (20) days after the service of such citation. If an appeal is taken under the provisions of this section, the cause shall be docketed in the names of the members of such board as plaintiffs, with the name of the party appealing as defendant. The plaintiff in such cause shall file in said court a written statement signed by a majority of the members of the board or by the attorney of the board, setting forth specifically the charges against said defendant and the reasons for the action of or ruling or order made or entered by said board and why the action of the board should be sustained, and the defendant shall take issue thereon by pleading the general issue. On such appeal the judge shall hear both the law and the facts and if judgment in such cause is rendered in favor of the plaintiff, the court shall enter a judgment affirming such order and shall tax the defendant with the costs of such cause; if judgment is rendered in favor of defendant, the court shall make an order vacating the order of the board and shall tax the costs of said cause against the plaintiff. In its discretion the court may remand the cause to the board for further proceedings. Upon a demand in such court in writing by either party to said cause, all the issues of fact in said cause shall be submitted to a jury to be selected, impaneled and sworn as other juries are selected, impaneled and sworn in civil cases. The decision or order of the circuit court shall be reviewable in the Supreme Court by appeal taken in the same manner as other appeals, but said notice of appeal shall be filed within thirty (30) days from the decision of the circuit court.

Section 23. Proceedings by the Board to Restrain Unlawful Practice.—The State Licensing Board for the Healing Arts, in addition to the powers and duties expressed in this act with respect to the denial of a license, denial of certificate of registration, and suspension or revocation of a license, is empowered to commence and maintain in any circuit court having jurisdiction of any person within this state, who is practicing without a license or to whom a license has been denied, or to whom a certificate of registration has been denied, or whose license has been suspended or revoked by action of the board, an action in the nature of quo warranto as provided for in Title 7, Section 1133, et seq., Code of Alabama 1940, as the same is now or may hereafter be amended to order such person from continuing to practice the healing arts or any branch thereof within the State of

Alabama, and jurisdiction is conferred upon the circuit courts of this state to hear and determine all such causes. The board may commence and maintain such action without the filing of a bond or security and without the order or direction of a circuit judge. Nothing in this section shall be construed as conferring criminal jurisdiction upon any court not now possessing such criminal jurisdiction, nor shall any such court, as an incident to the said action in the nature of quo warranto herein authorized, have the power to assess the criminal penalties hereinafter set out.

Section 24. Penalties for Violations.—Any person, except those expressly exempted from the provisions of this act, as above set out, who shall practice the healing arts as in this act defined, or any branch thereof, without first having complied with all the provisions of this act, including the provisions of all laws now in force regulating the practice of the various branches of the healing arts, and any person who shall violate any of the provisions of this act, shall be fined not less than one hundred dollars (\$100.00) and not exceeding four hundred dollars (\$400.00), and, in addition thereto and at the discretion of the trial judge, may be imprisoned in the county jail for not more than twelve (12) months, and each day any person shall practice the healing arts, or any branch thereof, without meeting all the requirements of all laws now in force, and of this act, shall constitute a separate offense; and any person filing or attempting to file, as his own, a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree.

Section 25. Employment of Enforcement Agents—Assistance by Prosecuting Attorneys.—The State Licensing Board for the Healing Arts is authorized to employ investigators, inspectors or agents, and any other employees and assistants, or to use any other means necessary to bring about and maintain a rigid administration and enforcement of this act and the board may incur such expenses as are reasonable and necessary and proper for carrying out the purposes of this act and all laws regulating the practice of the healing arts, and the various branches thereof within the State of Alabama; and, in addition, said board shall at all times have the power to call upon the Attorney General, circuit solicitor, deputy circuit solicitor or county solicitor, or other prosecuting attorney of the state in the various circuits and counties to assist the board in any way the board may request; and it is made the duty of all prosecuting attorneys throughout the state to assist the board, upon its request, in any suit for injunction or any prosecution instituted by said board without charge or additional compensation.

Section 26. This act shall become effective on January 1, 1960, after its passage and approval by the Governor, or its otherwise becoming a law, provided that three certain bills have become

law on or before said effective date, to-wit, a bill known as the "Alabama Basic Science Law" (H. B. _____ or S.B. _____), a bill amending and repealing certain sections contained in Title 46, Chapter 13 in the Code of Alabama of 1940, relating to the practice of medicine and the State Board of Medical Examiners (H.B. _____ or S.B. _____), and a bill creating a State Board of Chiropractic Examiners (H.B. _____ or S.B. _____).

Approved August 26, 1959.

Time: 11:35 A. M.

Act No. 107

H. 151—Bevill, Ray, McLendon (Bullock),
Bailey, Guthrie, Bounds, Dodd,
Jones (Covington), Camp, Good-
wyn, Trimmier, Shumate, Sulli-
van, Ashworth

AN ACT

To provide further regulations governing the qualifications and eligibility of persons to engage in or be admitted to the practice of the healing arts; creating the State Board of Examiners in the Basic Sciences to administer the Act, and providing for its organization, jurisdiction, authority, powers, and duties; imposing fees and charges and providing for their use; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known as the "Alabama Basic Science Law."

Section 2. Definitions for the purpose of this Act:

(a) The term basic sciences within the meaning of this Act are: Anatomy, Physiology, Chemistry, Pathology, and Bacteriology.

(b) For the purpose of this Act, the healing arts include any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

(c) A certificate is a certificate of proficiency in the basic sciences.

(d) A license is a certificate issued to a person authorizing him or her to practice the healing arts.

Section 3. Basic Science Certificate Required. No person shall be permitted to take an examination for a license to practice the healing arts or any branch thereof, or be granted any such license, nor to take an examination given by a branch Board of the healing arts to obtain a certificate of qualification, unless

he has presented to the Board or officer empowered to issue such license, or certificate of qualification, a certificate of proficiency in the basic sciences issued by the Alabama State Board of Examiners in the Basic Sciences. In case the examination is waived, as hereinafter provided, the Alabama State Board of Examiners in the Basic Sciences shall still issue the certificate required in this section.

Section 4. Alabama State Board of Examiners in the Basic Sciences. Within sixty (60) days after this Act takes effect, the State Board of Education shall appoint an Alabama State Board of Examiners in the Basic Sciences, hereinafter referred to as the Board, consisting of five (5) members, no one of whom is a practicing member of the healing arts or holds a degree therein. Of the members first appointed, one (1) shall serve for a term of one (1) year, and until his successor shall be appointed and qualified; one (1) shall serve for a term of two (2) years, and until his successor shall be appointed and qualified; one (1) shall serve for a term of three (3) years, and until his successor shall be appointed and qualified; one (1) shall serve for a term of four (4) years, and until his successor shall be appointed and qualified; and one (1) shall serve for a term of five (5) years, and until his successor shall be appointed and qualified. Thereafter at the expiration of the term of each member of the Board first appointed, his successor shall be appointed by the State Board of Education for, and shall serve for, a term of five (5) years, and until his successor shall be appointed and qualified. On the death, resignation or removal from the State of Alabama of any member, or upon the occurrence of a vacancy on the Board for any other causes to be determined by the Board of Education, the State Board of Education shall fill the vacancy by appointment for the unexpired portion of the term and until the successor is appointed and qualified. Every member shall serve until his successor is appointed and qualified. Each member of the Board shall be selected because of his knowledge of one or more of the basic sciences named in this Act, and each member shall be a professor, or an assistant or associate professor or an instructor on the faculty of an institution of higher learning within the State of Alabama, but not more than three (3) of whom shall come from the same institution. Each member shall have resided within the state not less than one (1) year next preceding his appointment.

Section 5. Organization of the Board. The Board shall organize as soon as practicable after its appointment. It shall have authority to elect officers, to adopt a seal, and to make such rules and regulations, not inconsistent with the law, as it deems expedient to carry this Act into effect. The Board shall have authority to appoint a Secretary to the Board who is not a member thereof and is not a practicing member of the healing arts or holds a degree therein, and to fix his salary; such salary shall

be paid from the funds of the Board. The Board shall keep a record of its proceedings, which shall be prima facie evidence of all matters contained therein. Any member of the Board or the Secretary shall have the power to administer oaths, and a majority of the Board shall constitute a quorum for the transaction of business.

The Secretary shall give a bond in such sum as shall be fixed by the Board, with sufficient sureties to be approved by the Board, for the faithful performance of his duties. Such bond shall be made in favor of the State of Alabama and said Board, and when approved shall be filed in the Office of the Secretary of State.

Each member of the Board shall be paid twenty-five (25) dollars per day for each day actively engaged in the discharge of his duties, and the time spent in going to and returning from meetings of the Board shall be included in computing such time. In addition to this per diem, each member of the Board shall receive actual and necessary expenses including the expense of transportation incurred while engaged in the performance of the duties of the Board. The compensation of the members and such expenses and all other expenses of the Board incurred in carrying out the provisions of this Act shall be paid out of the fees received from applicants and other monies or funds accruing to the credit of the Board. All such fees, monies and other funds are hereby appropriated to be used by the Board for the purposes of carrying out the provisions of this Act. All expenditures from appropriations to said Board shall be approved in writing by the Chairman thereof and the warrant shall be signed by the Secretary.

Section 6. Fees Payable by Applicants. The fee for examination by the Board shall be twenty-five (25) dollars. There shall be no fee for one (1) subsequent re-examination, but the fee for any re-examination beyond this first one shall be the same as for the original examination. The fee for the issuance of a certificate in the case of a waived examination, as hereinafter provided, shall be fifteen (15) dollars. All fees shall be paid to the Secretary of the Board and thereafter remitted to the general fund of the State Treasury for the use of said Board.

Section 7. Examinations. The Board shall conduct examinations at such times and places as it deems best, provided, however, that due consideration be given to the times that the boards of the various branches of the healing arts may give their examinations.

Every applicant, except as hereinafter provided, shall be examined to determine his knowledge, ability and skill in the basic sciences. The examinations shall be conducted in writing, in English, and in such manner as to be entirely fair and impartial to all individuals and to every school or system of practice. All

applicants shall be known to the examiners only by numbers, without names or other method of identification on examination papers by which members of the Board may be able to identify such applicants or examinees until after a certificate is granted or refused.

To be granted a certificate, an applicant must receive a credit of seventy-five (75) per cent or more in each of the basic sciences. An applicant may not apply for more than one re-examination unless he presents proof satisfactory to the Board of additional study in the basic sciences sufficient to justify re-examination. On a re-examination within six (6) months of the original examination, the applicant shall be examined only in the basic sciences on which he failed to receive credit of seventy-five (75) per cent or more. On all subsequent re-examination the applicant shall be examined in each basic science.

Section 8. Requirements for Certificates. No certificate shall be issued by the Board unless the person applying for it submits evidence, satisfactory to the Board, (1) that he is a citizen of the United States; (2) that he is not less than nineteen (19) years of age; (3) that he is a person of good moral character; (4) that he was graduated by an accredited high school or a school of equal grade, or that he possesses educational qualifications equivalent to those required for graduation by such accredited high school; and that he has studied a branch of the healing arts at a recognized professional school for not less than two (2) scholastic years, and has successfully completed in such school the subjects embraced in the basic science examination, provided also that the school must be approved as maintaining at the time of such study a standard satisfactory to the Board, which standard shall be based upon the gradings of the following associations: For medical schools, the American Medical Association; for osteopathic schools, the American Osteopathic Association; and for chiropractic schools, the International Chiropractors Association or the National Chiropractic Association, Incorporated; (5) that he has a comprehensive knowledge of the basic sciences as shown by his passing the examination given by the Board as by this Act required. This shall not be construed to prevent the issuance of certificates under the provisions of Section 9 of this Act.

Any person desiring to take the examination for a certificate of proficiency in the basic sciences shall make application to the Board at least fifteen (15) days before the examination, on a form provided by the Board. Such application must be accompanied by the examination fee and such proof as is necessary to show the eligibility of the candidate to take such examination. All applications shall be in accordance with the rules of the Board and shall be signed and verified by oath of the applicant.

Section 9. Waived Examinations. The Board may in its discretion waive the examination, or any part thereof, required by

Section 8 and issue a certificate when proof satisfactory to the Board is submitted, showing (1) that the applicant has passed in another State, Territory, or the District of Columbia, an examination in the basic sciences, or the waived portion thereof, either before a board of examiners in the basic sciences or before a state board authorized to issue licenses to practice the healing arts or before the National Board of Medical Examiners; and (2) that the requirements for such examination are not less than those required by this Act as a condition precedent to the issuance of a certificate.

Section 10. Appeal. In case an applicant is refused admittance to an examination or is refused a certificate by the Board, such applicant may within thirty (30) days apply to a judge of the circuit court of Montgomery County for a writ requiring the Board to show cause why the admittance or certificate was refused. In such cases service of process may be had upon the Secretary of the Board. The burden of proof shall be upon the petitioner to establish his right to be examined or to be granted a certificate. It shall be the duty of the Attorney General and of the Circuit Solicitor or other prosecuting officer to represent the Board in the proceeding. The judgment of the said judge of the circuit court upon the issue tried shall be subject to appeal to the Supreme Court of Alabama. Notice of such appeal to the Supreme Court must be filed within thirty (30) days from the date of the order appealed from.

Section 11. Certificates and Licenses Void. Any basic science certificate or any license to practice the healing arts, or any branch thereof, issued contrary to this Act shall be void. Any license or certificate of authority to practice the healing arts, or any branch thereof, based upon a void basic science certificate shall be void and shall be so adjudged by any circuit court in which the trial of a suit to adjudge the same void or cancel or revoke a license to practice the healing arts may be had. The procedure for such revocation or cancellation shall be in accordance with the provisions of the Act under which such license was issued authorizing the cancellation or revocation of licenses for the practice of the healing arts generally. Any certificate of proficiency issued by the Board shall become void upon the revocation of the license of the holder thereof to practice the healing arts or any branch thereof.

Section 12. Practice Without Certificate Forbidden. Except as hereinafter provided, any person practicing the healing arts, or any branch thereof, without having obtained a valid certificate from the Alabama State Board of Examiners in the Basic Sciences shall, upon conviction, be fined not less than fifty (50) dollars nor more than five hundred (500) dollars at the discretion of the jury, and, in addition, may be imprisoned in the county jail at the discretion of the trial judge for not exceeding six (6)

months; and for a second or subsequent offense the punishment shall be a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars at the discretion of the jury, and imprisonment in the county jail for not exceeding twelve (12) months, the term of such imprisonment to be fixed by the trial judge. Each day of such violation shall constitute a separate offense, and in no case shall the person convicted be entitled to recover anything for the services rendered.

Section 13. Fraudulent Certificate Forbidden. Any person who obtains a basic science certificate by fraudulent means or who forges, counterfeits, or fraudulently alters any such certificate shall be punished by imprisonment in the penitentiary for not less than two (2) nor more than five (5) years, the term of imprisonment to be fixed by the trial judge.

Section 14. Bribery Forbidden. Any person who shall bribe, or offer, or attempt to bribe any member of the Alabama State Board of Examiners in the Basic Sciences authorized to issue a certificate of proficiency in the basic sciences, for the purpose of obtaining a certificate of proficiency in the basic sciences, shall be punished by imprisonment in the penitentiary for not less than two (2) nor more than five (5) years, the term of imprisonment to be fixed by the trial judge.

Section 15. Fraudulent Licenses Forbidden. Any person who knowingly obtains for himself a license to practice the healing arts, or any branch thereof, without first obtaining a certificate of proficiency from the Alabama State Board of Examiners in the Basic Sciences created by this Act, or who aids, advises or assists another in so doing, or any person who shall present to a licensing board authorized to grant licenses to practice the healing arts, or any branch thereof, a certificate obtained from the Alabama State Board of Examiners in the Basic Sciences by dishonesty or fraud, or by any forged or counterfeit certificate of proficiency, or who knowingly aids, advises or assists another in so doing, shall, upon conviction, be punished by a fine to be fixed by the jury of not less than one hundred (100) dollars nor more than two thousand (2,000) dollars, and in addition thereto the trial judge may impose additional punishment by imprisonment in the county jail or hard labor for the county not to exceed twelve (12) months.

Section 16. Jurisdiction to Prohibit Unlawful Practice. The circuit courts of this state are hereby vested with jurisdiction and power to prohibit the unlawful practice of the healing arts in a proceeding or action in the nature of quo warranto, commenced and maintained under the provisions of Title 7, Section 1133, et seq., Code of Alabama 1940, as the same is now or may be hereafter amended, brought by the Board, or any member thereof, or by any citizen of this state in the county in which the alleged

unlawful practice occurred or in which the defendant resides. If the action is commenced by the Board, or a member thereof, no bond or security shall be required to commence and maintain such suit. It shall not be necessary for a circuit judge to direct such action to be commenced.

Section 17. Proceedings to Prohibit Unlawful Practice. If, upon final hearing, it is shown that the defendant has been unlawfully practicing the healing arts as set forth in this Act, the court shall order said defendant to refrain from such unlawful practice and such order may extend to all counties of the state. The practice and procedure in such cases shall be the same, as near as may be, to actions in the nature of quo warranto proceedings provided for in Title 7, Section 1133, et seq., Code of Alabama 1940, as the same is now or may hereafter be amended. The remedy by an action in the nature of quo warranto proceedings herein given is in addition to the criminal prosecution and punishment otherwise provided for in this Act.

Section 18. Report of Conviction or Order. Suspension or Revocation of License. It shall be the duty of the clerk or the register of the court wherein any conviction is had under the provisions of this Act or any order made and entered prohibiting a person from unlawful practice to report the same to the Board, which will thereupon declare void the certificate of proficiency in the basic sciences of the defendant.

Section 19. Act Cumulative. The provisions of this Act are cumulative and any remedy, penalty or procedure provided herein shall be in addition to those prescribed by other provisions of law.

Section 20. Present Licensure Acts Not Repealed. No provisions of this Act not in conflict with existing law shall be construed as repealing any statutory provision in force at the time of its passage with reference to the requirements governing the issuance of licenses to practice the healing arts or any branch thereof, or as in any way lessening such requirements.

Section 21. Exemptions. Nothing in this Act shall be construed to apply to any person lawfully authorized, in the manner then provided by law, to practice the healing arts in this state on the date this Act takes effect.

Nothing in this Act shall be construed to apply to any person lawfully certified, under section 21 of that certain Act of the Legislature creating the State Board of Chiropractic Examiners, to practice chiropractic in this state.

Nothing in this Act shall be construed to prevent or forbid the domestic administration of family remedies, or the manufacture

or sale of proprietary medicines in the state by licensed druggists, or the advertising or sale of commercial appliances or remedies, nor prevent or forbid the fitting by non-itinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances, provided that these specified activities are conducted in conformity with the law of Alabama authorizing and regulating such activities.

Nothing in this Act shall be construed to prevent the furnishing of first aid or medical assistance in case of a genuine emergency in the absence of a qualified practitioner.

Nothing in this Act shall be construed to prohibit or require the licensing of the practice of the religious tenets of any church in the ministration to the sick or suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation.

Nothing in this Act shall be construed to apply to or interfere with dentists, chiropodists, or pharmacists within the scope of their usual professional activities, who are duly qualified and registered under the laws of this state, nor shall this Act apply to registered optometrists authorized to practice under the laws of this state while engaged in such practice, nor shall this Act apply to clinical psychologists.

Nothing in this Act shall be construed to apply to or to interfere with nurses or registered midwives who publicly represent themselves as such, within the scope of their usual professional activities.

Section 22. Provisions Severable. The provisions of this Act are severable; and if any part or parts of the Act shall be declared unconstitutional or void, such declaration shall not affect the remainder of this Act.

Section 23. This Act shall become effective on January 1, 1960, after its passage and approval by the Governor, or its otherwise becoming a law, provided that three certain bills have become law on or before said effective date, to-wit, a bill creating a Board to be known as the "State Licensing Board for the Healing Arts" (H.B._____ or S.B._____), and a bill amending and repealing certain sections contained in Title 46, Chapter 13 in the Code of Alabama of 1940, relating to the practice of medicine and the State Board of Medical Examiners (H.B._____ or S.B._____), and a certain bill creating a State Board of Chiropractic Examiners (H.B._____ or S.B._____).

Approved August 26, 1959.
Time: 11:36 A. M.

Act No. 108

H. 152—Bevill, Ray, McLendon (Bullock),
Bailey, Guthrie, Bounds, Dodd,
Jones (Covington), Camp, Good-
wyn, Trimmier, Shumate, Sulli-
van, Ashworth

AN ACT

Relating to the practice of chiropractic; providing for the certification, examination, and regulation of chiropractors; creating the State Board of Chiropractic Examiners, and prescribing its powers, duties, and authority; providing for the issuance of certificates of qualification, and prescribing the qualifications of persons to practice chiropractic; providing for the collection and disbursement of examination and other fees and charges; authorizing the State Board of Chiropractic Examiners to examine applicants for certificates of qualification, and to issue, deny, suspend, and revoke such certificates; prescribing the manner of appealing from the decisions of the board to the courts of this State; and providing for the enforcement of the act and prescribing penalties for violations thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The term "chiropractic," when used in this act, is hereby defined as the science and art of locating and removing without the use of drugs or surgery any interference with the transmission and expression of nerve energy in the human body by any means or methods as taught in schools or colleges of chiropractic which are recognized by the State Board of Chiropractic Examiners.

(b) Any chiropractor who has been certified by the State Board of Chiropractic Examiners and licensed by the State Licensing Board for the Healing Arts may examine, analyze and diagnose the human body and its diseases by the use of any physical, clinical, thermal or radonic method, and the use of x-ray diagnosing, and may use any other general method of examination for diagnosis and analysis taught in any school of chiropractic recognized by the State Board of Chiropractic Examiners.

(c) Chiropractors certified by the State Board of Chiropractic Examiners and licensed by the State Licensing Board for the Healing Arts may practice chiropractic as set forth in subsection (a) and (b) of this section, and may also recommend the use of foods and concentrates, food extracts, and may apply first aid and hygiene; but chiropractors are expressly prohibited from prescribing or administering to any person any drugs included in materia medica, except as herein provided, from performing any surgery, from practicing obstetrics, or from giving x-ray treatments, or treatments involving the use of radioactive materials of any description.

Section 2. There is hereby created and established a State Board of Chiropractic Examiners. The board shall be composed of five members, each of whom shall be: A resident of Alabama,

who has resided in this State for at least two years; a graduate of a chartered chiropractic school or college, which required actual attendance in the school as a prerequisite to graduation therefrom; currently engaged in the practice of chiropractic and have been engaged in such practice in this State for a period of at least two years; and of good moral character. Not more than two members of the board shall be graduates of the same chiropractic school or college. As soon as practicable after this act becomes effective the Alabama State Chiropractic Association, Incorporated, shall nominate fifteen persons, possessing the above enumerated qualifications and submit a list of the persons so nominated to the Governor. From this list of nominees the Governor shall appoint five members to the State Board of Chiropractic Examiners; two members for a term of one year, each beginning with the date of appointment; two members for a term of two years each, beginning with the date of appointment; and one member for a term of three years, beginning with the date of appointment. Whenever a vacancy occurs on the board, whether by expiration of the term, death or resignation of a member, or other cause, the Alabama State Chiropractic Association, Incorporated, shall nominate to the Governor three persons for membership on the board, and from this list of nominees the Governor shall appoint a member to fill the vacancy on the board. Before appointing any member of the board the Governor shall satisfy himself that the appointee is of high character and standing, and possesses the other qualifications prescribed in this section.

Section 3. Upon the expiration of the respective terms of the five members appointed for the terms designated in Section 2 hereof, members of the board shall be appointed for a term of three years beginning with date of appointment, it being the intent and purpose of this act that the members of the board shall serve for staggered terms of three years each. The Governor shall have the power to remove from office any member of the board for the neglect of any duty required by this act, for incompetency, or for unprofessional conduct, or upon sufficient proof to the Governor of the inability, misconduct, or such conduct as in the discretion of the Governor is unbecoming a member of the board. Vacancies on the board by reason of death, resignation, or otherwise shall be filled by appointment by the Governor for the unexpired term in the manner prescribed in Section 2, above. Before taking office, the members of the board shall take and file with the Secretary of State the constitutional oath of office required by Section 279 of the Constitution of Alabama.

Section 4. Each member of the board shall be entitled to receive ten dollars (\$10.00) for each days attendance at a meeting of the board, plus actual subsistence and traveling expenses incurred in attending such meetings. All expenditures by the board

shall be made only on requisition signed by the president or vice-president of the board.

Section 5. All examination fees, certification fees, renewal fees, and other such funds received by the board under the provisions of this act shall be deposited in the state treasury to the credit of the State Board of Chiropractic Examiners, and all such funds are hereby appropriated to the board to defray the expenses incurred in carrying out the provisions of this act. Such expenses shall include printing, stamps, stationery, clerical help, travel and other necessary expenditures. The books and records of the board shall be subject to state audit in the same manner and to the same extent as any other state agency. The secretary-treasurer shall keep a true and accurate account of all funds received by the board and all expenditures made by the board.

Section 6. The members of the State Board of Chiropractic Examiners shall convene within thirty days after their appointment and elect a president, vice-president, and secretary-treasurer from among their members, and thereafter the board shall elect, annually, a president, vice-president, and secretary-treasurer from among the members of the board. The board shall hold its regular sessions during the second week of April and October of each year. The board shall adopt a seal, which shall be affixed to all certificates issued. A majority of the board shall constitute a quorum. The board shall from time to time adopt such rules and regulations as it may deem proper and necessary for the performance of its duties. The secretary-treasurer of the board shall give bond in the principal sum of one thousand dollars (\$1,000), payable to the State of Alabama, for the faithful performance of his duties. The premiums for such bond shall be paid by the board from funds appropriated for its use.

Section 7. Any person wishing the right to practice chiropractic shall make written application to the State Board of Chiropractic Examiners in such form as the board may prescribe. Each applicant shall be of good moral character and shall be a graduate of a chartered chiropractic school or college which teaches only attendance courses and requires a four-year standard college course. Such applicant shall also have had literary training equaling as much as a regular high school. Application shall be in writing and shall be signed by the applicant in his own handwriting, and shall be sworn to before some officer authorized under the laws of this State to administer oaths, and shall recite the history of the applicant's educational qualifications, how long he has studied chiropractic, what collateral branches, if any, he has studied, the length of time he has engaged in clinical practice, with proof thereof in the form of diplomas, certificates, etc. Each applicant shall submit with his application satisfactory evidence of good character and reputation. Each applicant

for a certificate of qualification shall pay to the board a fee of twenty-five dollars (\$25), which shall accompany his application. A like fee shall be paid for any subsequent application.

Section 8. All examinations shall be in writing and upon the following subjects: Symptomatology, physical diagnosis, neurology, hygiene and sanitation, chiropractic orthopedy, nerve tracing and adjusting as taught by standard chiropractic schools or colleges, and spinography. A certificate of qualification shall be issued to the State Licensing Board for the Healing Arts for each applicant examined who shall correctly answer seventy-five (75) per centum of all questions asked; if any applicant shall fail to answer correctly seventy-five (75) per centum of the questions on any branch of such examination, he or she shall not be entitled to a certificate of qualification.

Section 9. Chiropractors who have complied with the provisions of this act shall have the right to adjust patients according to specific chiropractic methods, and shall observe State, county, and municipal public health regulations, reporting to the proper health officers the same as other practitioners. Chiropractors shall not prescribe or administer medicine to patients, perform surgery, nor practice obstetrics or osteopathy.

Section 10. Persons licensed to practice chiropractic under the laws of any other state having requirements equal to those prescribed by this act may, in the discretion of the board, be issued a certificate of qualification to practice in this State without examination, upon the payment of a fee of fifty dollars (\$50).

Section 11. Every person who receives a license to practice chiropractic from the State Licensing Board for the Healing Arts shall have it recorded in the office of the judge of probate of the county in which he resides, and shall likewise have it recorded in the counties to which he may subsequently remove for the purpose of practicing chiropractic, and shall pay a fee of one dollar (\$1) to the judge of probate in each county in which the license is recorded.

Section 12. The State Board of Chiropractic Examiners may refuse to grant or may revoke a certificate of qualification to practice chiropractic, or may cause a licentiate's name to be removed from the records in the office of the judge of probate in any county, upon any of the following grounds, to-wit: The employment of fraud or deception in applying for a certificate of qualification or in passing an examination provided for in this act; habitual intemperance in the use of ardent spirits or narcotics; inability or manifest incompetency or flagrant immorality; conviction of a crime involving moral turpitude or any violation of a state or federal law relating to narcotic drugs or of performing or attempting to perform a criminal abortion; or any other

immoral or unprofessional conduct. The board may, upon satisfactory proof that any person certified by the board or any applicant for a certificate of qualification has been guilty of any of the offenses above enumerated, revoke the certificate of such person, or refuse to grant a certificate of qualification to such applicant, upon majority vote of the board.

Section 13. Upon the presentation to the State Board of Chiropractic Examiners of any of the grounds enumerated in Section 12 of this act for revoking or refusing a certificate of qualification, it shall be the duty of the board to cause written notice of the time and place of hearing upon the charge preferred, together with a copy of the charge, to be served upon the person certified or the applicant, for a certificate of qualification, as the case may be, twenty (20) days before such hearing. The board shall prepare two copies of such written notice, and attach to each a copy of the charges preferred, and shall cause the same to be delivered to the sheriff of the county of the residence of the party against whom the charge has been preferred, together with two dollars (\$2) as a fee for service. Such sheriff shall, within ten (10) days thereafter, deliver to such party personally, or leave at the most notorious place of abode of such party, one of the notices, with the copy of the charges attached, and return the other notice, with a copy of the charge attached thereto, to the board, together with such officer's entry of service thereon.

Section 14. The accused party shall have the privilege of making defense at the hearing, either in person or by attorney, and on application to the board, he shall be furnished by the board with a subpoena for any witness in his behalf, or for the production of any book, writing, paper or document to be used in his behalf at the hearing. The board shall have the power to issue subpoenas and to compel the attendance of any witness or the production of any book, writing or other document in the possession, custody or control of any person. Any person refusing to produce any book, writing or other document or to appear to testify, without legal excuse, at such hearing of the board, after having been served with a subpoena issued by the board requiring such person to appear, produce any book, writing or other document, or testify at such hearing, shall be guilty of contempt, and upon certification of such act by the board to the judge of the circuit court in whose jurisdiction the hearing is held, or is to be held, the judge shall punish the same as though committed before him.

Section 15. No applicant shall be refused a certificate of qualification, nor shall the certificate of any person certified be revoked on account of his default or failure to appear before the board to answer the charge preferred against him, but in the case of default the board may proceed with the hearing, and upon

satisfactory proof made of the truth of the charge preferred, refuse a certificate to the defaulting applicant or revoke the certificate of such defaulting party, regardless of the absence at the hearing of the party. Any person who is refused a certificate by the board, or whose certificate is revoked, as the case may be, if dissatisfied with the judgment, may appeal to the circuit court of the county of his residence, such appeal to be had as in other such cases as provided by law, within thirty days from the date such judgment is rendered. Any person taking an appeal under the provisions of this section shall post a satisfactory bond to be approved by the clerk of the circuit court conditioned to pay the costs of the appeal if judgment be rendered against the party making such appeal.

Section 16. The person whose certificate of qualification is revoked or refused shall be liable for costs as follows: Preparing copy of notice, two dollars (\$2); procuring service of said notice, two dollars (\$2); each subpoena for witness, or for the production of any book, writing or document, fifteen (15) cents; transmitting appeal, two dollars (\$2); procuring cancellation of revoked license, twenty-five (25) cents. The board is empowered to enter up judgment for such costs as may accrue under the provisions of this act against the person liable therefor, as herein provided, in favor of the board and to issue execution thereon, which shall bear teste in the name of the president of the board and be signed by the secretary-treasurer of the board.

Section 17. In all cases wherein a certificate of qualification has been revoked and no appeal has been taken within the time allowed by law, it shall be the duty of the secretary-treasurer of the board, immediately after the expiration of the time allowed for appeal, to transmit to the executive officer of the State Licensing Board for the Healing Arts such information, and it shall be the duty of the State Licensing Board for the Healing Arts to forthwith revoke the license of such person; and the executive officer of the licensing board shall transmit to the judge of probate in whose office the revoked license is recorded a copy of the order of the board revoking such license, certified by said executive officer, with a fee of twenty-five (25) cents, and it shall be the duty of the judge of probate to cancel the record of the license by entering upon the face thereof a copy of the certified order. In cases wherein appeal proceedings are had and not sustained, the revoked license shall be cancelled in the manner above provided, immediately after the final termination of such case.

Section 18. The State Board of Chiropractic Examiners may at any time within two years of the refusal or revocation or cancellation of a certificate of qualification under this act, by a majority vote, issue a new certificate or grant a certificate to the person affected, restoring him to, or conferring upon him, all the

rights and privileges of, and pertaining to, the practice of chiropractic as defined and regulated by this act, upon the applicant showing good moral character and possession of the qualifications required under the terms of this act. Any person to whom such certificate may have been restored shall pay to the board the sum of twenty-five dollars (\$25) upon the issuance of a new certificate.

Section 19. Every certificate of qualification to practice chiropractic shall expire on September 30 of the year for which it is issued. Every person having a valid certificate may on or before the first day of October 1960 and each year thereafter renew the same for the ensuing year by the payment to the State Board of Chiropractic Examiners of a fee of two dollars (\$2), accompanied by proof satisfactory to the board that such person has attended at least one two-day session of an educational chiropractic convention sponsored or endorsed by the Alabama State Chiropractic Association, Incorporated; provided, however, that the board may, for good and reasonable cause shown, waive the convention requirement. The secretary-treasurer of the board shall notify each licensee at least twenty (20) days prior to October 1st of each year of the due date for renewal, and failure to pay such renewal fee and submit proof of attendance at an educational chiropractic convention, unless waived, shall operate as a forfeiture of the right of the licensee to practice his profession in this State: Provided, however, that he may be reinstated by the board, in its discretion, upon payment of all fees due. All funds received by the board for annual certificate renewal fees may be used by the board for education, promotion, and welfare of the science of chiropractic, and shall be expended only for such purposes and upon a majority vote of the board. It shall be the duty of the board to notify the State Licensing Board for the Healing Arts, on or before the first day of January of each year of any person who has theretofore been certified by the board who fails to renew such certificate of qualification under this provision; and it shall be the duty of the licensing board to refuse to register such person and his license shall be automatically revoked.

Section 20. It shall be unlawful for any person to practice chiropractic unless he shall have first obtained a valid certificate of qualification as provided in this act, and possesses all the qualifications prescribed by the terms of this act. Any person who shall practice or attempt to practice chiropractic without such a certificate, or any person who shall buy or fraudulently obtain such a certificate, or violates any of the terms of this act, or shall use the title "Chiropractic," "D.C.," or any word or title to induce the belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be

punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not less than thirty (30) days nor more than one year, either or both, at the discretion of the court. All subsequent offenses shall be separate and distinct offenses, and punishable in like manner.

Section 21. Notwithstanding any section of this act or any other law to the contrary, the board shall issue a certificate to practice chiropractic without examination to any person in the active practice of chiropractic in the State of Alabama on the effective date of this act provided said person shall make a written application to the board on forms and in the manner prescribed by the board, and provided further that said person produces evidence satisfactory to the board that he is a graduate of a school or college of chiropractic recognized by the board and is of good moral character. Such application shall be accompanied by a twenty-five dollar (\$25) application fee. Any person who is in the armed forces of the United States and who otherwise meets the qualifications of this section and was actively in the practice of chiropractic in this State before becoming a member of the armed forces of the United States shall have ninety days after discharge or resignation from the armed forces of the United States in which to make application.

Section 22. Chiropractors shall have the right to advertise within the limits prescribed by the statute creating the State Licensing Board for the Healing Arts.

Section 23. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. All laws or parts of laws which conflict with this act are repealed.

Section 25. This act shall become effective on January 1, 1960, after its passage and approval by the Governor, or its otherwise becoming a law, provided that three certain bills have become law on or before said effective date, to-wit, a bill known as the "Alabama Basic Science Law" (H.B._____ or S.B._____) and a bill creating a board to be known as the "State Licensing Board for the Healing Arts" (H.B._____ or S.B._____), and a bill amending and repealing certain sections contained in Title 46, Chapter 13 in the Code of Alabama of 1940, relating to the practice of medicine and the state board of medical examiners (H.B._____ or S.B._____).

Approved August 26, 1959.
Time: 11:36 A. M.

Act No. 109

H. 153—Bevill, Ray, McLendon (Bullock),
Bailey, Guthrie, Bounds, Dodd,
Ashworth, Jones (Covington),
Camp, Goodwyn, Trimmier, Shu-
mate, Sullivan

AN ACT

To amend Sections 259, 260, 262, 264, 267, 269, 270, 271, 272, 274, 277, 278, 279, 281, 282, 283, 285, 286, 289, 291, and 294 of Title 46 of the Code of Alabama 1940; and to repeal Sections 261, 263, 265, 266, 287, 288, 293, 296, and 297 of Title 46 of the Code of Alabama 1940; and to provide for the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 259 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 259. Branches of learning examined upon.—An applicant for a certificate of qualification to practice medicine or osteopathy in this state shall be examined in writing, by the state board of medical examiners, in the following branches of medical learning, to-wit: General medicine, surgery, obstetrics, gynecology, preventive medicine and jurisprudence; and such other branches as the board may require. All applicants coming before the board for examination, must present a certificate issued by the board of examiners in the basic sciences and a diploma showing graduation from a medical college approved by the state board of medical examiners or a college of osteopathy approved by the state board of medical examiners. If said applicant shall obtain an average of seventy-five per cent in the branches set forth herein, and all other branches wherein the board requires an examination, there shall be issued to the state licensing board for the healing arts a certificate of qualification in behalf of said applicant, which shall entitle said applicant to apply to the said board for license to practice medicine or osteopathy in Alabama; and no person shall practice medicine or osteopathy unless and until such person shall have obtained a license and a certificate of registration from the state licensing board for the healing arts.

"In the case of applicants who are to diagnose only local ailments of the human foot and to treat such ailments only locally, extending treatment no deeper than the true skin and using only local anesthetics in connection with such treatments, such applicants need possess only such qualifications and submit to such examinations only as, in the judgment of the state board of medical examiners, are necessary for the protection of the public health, safety, and morals and as are prescribed by said board in regulations duly promulgated. Said examinations shall embrace the anatomy and physiology of the foot; the diagnosis and treatment of diseases and ailments of the foot; asepsis; antisepsis; therapeutics and clinical chiropody. On proof of possessing such

qualifications and on passing such an examination, either before the state board of medical examiners or before an examiner or examiners appointed by it, and selected from the membership of the Alabama association of chiropodists to the satisfaction of said board of medical examiners, there shall be issued to the state licensing board for the healing arts a certificate of qualification in behalf of said applicant which shall entitle said applicant to apply to said board for license to practice as a chiropodist qualified to diagnose and treat local ailments of the human foot, but only by local treatment extending no deeper than the true skin and using only local anesthetics in connection with such treatment. No person shall practice chiropody unless and until such person shall have obtained a license and a certificate of registration from the state licensing board for the healing arts."

Section 2. That Section 260 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 260. Application for examination for certificate of qualification.—An applicant shall, before being permitted to enter upon an examination, fill out an application blank, giving his name, age, residence, college and date of graduation, references, and such other data as the state board of medical examiners may require. The applicant shall make affidavit that he is the person he represents himself to be, and that he will faithfully observe all rules governing the examination. Any member of the state board of medical examiners, or the supervisors of examinations appointed by said board may administer the oath prescribed. The board shall have the right to refuse to examine a person whose reputation is such as to render him unworthy of membership in the medical profession."

Section 3. That Section 262 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 262. Practicing medicine, osteopathy or chiropody without license; penalty for.—Any person who practices medicine, osteopathy, or chiropody, or offers to do so in this state, without a certificate of qualification having been issued in his behalf by the state board of medical examiners and without a license and certificate of registration from the state licensing board for the healing arts, shall be guilty of a misdemeanor, and, upon conviction, shall be fined for each offense not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail for not less than one month nor more than three months. And where indictments are preferred by a grand jury, such cases shall only be tried in the court wherein the indictment is preferred and shall not be transferred to any other court."

Section 4. That Section 264 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 264. Other examinations allowed on failure.—When an applicant fails to attain the standard of proficiency prescribed herein his examination shall be deemed unsuccessful; however, such applicant shall be entitled to one other examination at any time after the expiration of six months from the date of the preceding examination. Subsequent examinations shall be contingent upon proof of further study approved by the board of medical examiners."

Section 5. That Section 267 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 267. Board of medical examiners, reciprocal with those of other states.—(a) The state board of medical examiners may establish reciprocal relations with similar boards of other states in reference to the issuance of certificates of qualification, provided that such reciprocal relations shall not be established with a board of examiners of any state that does not require examination upon substantially the same branches of medical learning as those enumerated in section 259 of this title, and does not maintain a standard of proficiency at least equal to that maintained by the board of medical examiners of this state. When such reciprocal relations have been established, a certificate of qualification may be issued without examination in behalf of a person who presents evidence that he has complied with the requirements of a reciprocating state board.

"(b) The state board of medical examiners may issue a certificate of qualification without examination in behalf of a person who presents evidence that he has complied with the requirements of the appropriate state board of examiners of another state, provided that such board of that state requires examination upon substantially the same branches of medical learning as those enumerated in section 259 of this title and maintains a standard of proficiency at least equal to that maintained by the state board of medical examiners of this state, whether it has established reciprocal relations with the appropriate board of examiners of such state or not.

"(c) On the face of any certificate of qualification issued in accordance with the provisions of this section a statement shall appear that it was issued pro forma and without examination.

"(d) Any certificate of qualification heretofore issued by the state board of medical examiners under the provisions of this section is hereby validated, ratified, and confirmed, provided such certificate could have been issued under said section as the same now reads.

"(e) No person in whose behalf a reciprocal or pro forma certificate of qualification has been issued shall practice in this state unless and until he shall have obtained a license and cer-

tificate of registration from the state licensing board for the healing arts."

Section 6. That Section 269 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 269. Certain certificates issued without examination.—The state board of medical examiners may issue in behalf of a commissioned officer of the Medical Corps of the Army, the Navy, the Air Force, or the Public Health Service of the United States a certificate of qualification without examination, provided that such commissioned officer presents to said board a commission or other satisfactory evidence showing that he is such medical officer; and may issue a certificate of qualification without examination in behalf of any one filing a certificate of proficiency issued by a national examining board accepted and approved by the board of medical examiners; but upon the face of the certificate so issued it shall appear that the certificate was issued pro forma and without examination."

Section 7. That Section 270 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 270. Suspending or revoking certificate of qualification to practice medicine.—The state board of medical examiners may suspend or revoke the certificate of qualification of a physician, osteopath or chiropractist for any of the following: Using spirituous, vinous, or malt liquors, or morphine, opium, cocaine, or other stimulants or narcotics to such an extent as to render him unsafe or unreliable as a practitioner. Being guilty of gross immorality that would tend to bring reproach upon his profession. Being guilty of unprofessional conduct of a character likely to deceive, defraud or injure the public in matters pertaining to health. Advertising himself or his practice, whether through newspapers or other periodicals, or by circulars, or otherwise, in such manner as tends to mislead or deceive the public in matters pertaining to health. Inducing or aiding in inducing or attempting or aiding in an attempt to induce a criminal abortion or a criminal miscarriage or a criminal premature delivery of a woman, provided that the inducing or aiding in inducing an abortion, or a miscarriage or a premature delivery of a woman when done for the purpose of saving her life, shall not be deemed criminal, but before resorting to any of said methods of saving a woman's life the attending physician shall use diligence to obtain the advice and help of one or more consulting physicians. Being convicted in any court anywhere of any offense involving moral turpitude, or for violating any federal statute regulating the use or disposition of narcotics, whether committed under color of his professional duty, or connected therewith, or not. The board may also suspend or revoke the certificate of qualification issued by it if the person in reference to whom said cer-

tificate was issued is found by the board to be mentally incompetent to a degree and of a character which renders such person unsafe or unreliable as a practitioner.

"Whenever a certificate of qualification has been suspended or revoked, the state licensing board for the healing arts shall be so advised."

Section 8. That Section 271 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 271. Investigation as to revocation of certificate of qualification.—Whenever written complaint is made to the state board of medical examiners that a physician, osteopath or chiroprapist has committed any of the acts or come within any of the disabilities enumerated in the preceding section, the board shall hear and determine said complaint; the said hearing to be held in the office of the state board of health in Montgomery, Alabama. The person whose qualification is under consideration shall have not less than twenty days' written notice of the time and place of the initial hearing, which notice shall be accompanied by a copy of the complaint. Said notice may be served by any sheriff of the State of Alabama or by any member of the professional association of the person charged, and if served by a member of said association, the return of service shall be sworn to by said member before some officer authorized to administer oaths. If said person is out of the state or evades service or cannot be served in person, then the service may be made by mailing a copy of the complaint and of the notice to said person at his last known post office address in this state, and the return shall show that service has been made in this manner. The investigation shall be held with as little publicity as practicable, consistent with a fair and impartial hearing, but said person may elect to have said hearing in public. At the hearing the complainant and the person whose qualification is under consideration, and any other person who may be permitted so to do by the board, shall have the right to introduce all such oral testimony, or written testimony, or both, as the board may deem relevant to the issues involved, and the right to be heard in person, or by counsel, or both. The Board may permit the complaint to be amended, but no amendment shall be permitted that is not germane to the charge or charges sought to be amended or that materially alters the nature of any offense charged, or that of any essential specification under a charge. The Board shall have the right to determine all questions as to the sufficiency of the complaint, as to procedure, and as to the admissibility and weight of evidence. If the person whose qualification is under consideration absents himself, the hearing may proceed in his absence."

Section 9. That Section 272 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 272. Witnesses; how summoned and sworn.—To any such hearing witnesses may be subpoenaed by the board on its own motion, or on demand of either side by subpoena signed by the chairman of the board of medical examiners, or by the person at the time discharging the duties of said officer, and such subpoenas may be served by any sheriff of the State of Alabama or by any member of the professional association of the person charged, and if served by a member of the said association the return of service shall be sworn to by said member before some officer authorized to administer oaths. Witnesses may be sworn by said chairman or by the person discharging the duties of said chairman."

Section 10. That Section 274 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 274. Compensation of witnesses.—Any witness attending any such hearing shall immediately upon his discharge as a witness be paid by the board two dollars per day for his attendance and the actual cost of his transportation to and from the place of hearing not exceeding five cents for each mile traveled, to be paid out of the funds of the state board of medical examiners."

Section 11. That Section 277 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 277. Certificate of qualification suspended or revoked.—Whenever it has been established by the judgment of a court of competent jurisdiction that a physician, osteopath or chiropractist has committed any of the acts, or come within any of the disabilities enumerated in section 270 of this title, the filing of a certified copy of such judgment with the board shall be sufficient to justify the suspension or revocation of his certificate of qualification without further hearing (unless the board is of the opinion that fairness to said practitioner requires that a regular hearing be held); and of such action the state licensing board for the healing arts shall be advised."

Section 12. That Section 278 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 278. Appeal; right and time of.—An appeal may be taken to the circuit court or court of like jurisdiction of the county in which the person resides whose certificate is ordered suspended or revoked from any order suspending or revoking a certificate of qualification made by said board within thirty days after the rendition thereof."

Section 13. That Section 279 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 279. Statement setting forth facts of order suspend-

ing or revoking certificate.—Any person desiring to take an appeal as provided herein shall, within thirty days after such order suspending or revoking such certificate has been made, file in the office of the clerk of the court to which such appeal is taken a statement in writing setting forth the fact that such order suspending or revoking such certificate has been made, and the ground or grounds upon which such order was made, and the names and residences of the persons constituting such board, and shall also file with such written statement a bond to be approved by the clerk of such court conditioned to pay the costs of the appeal if judgment be rendered against the party making such appeal.”

Section 14. That Section 281 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

“Section 281. Docketing cause.—If an appeal is taken under the provisions of this chapter the cause shall be docketed in the name of the chairman of such board as plaintiff, with the name of the party whose certificate has been suspended or revoked as defendant.”

Section 15. That Section 282 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

“Section 282. Issue for trial, how made up.—The plaintiff in such cause shall, under the direction of the board, file in said court a written statement signed by him as chairman or by the attorney of the board, setting forth specifically the charges against the said defendant and the reasons why the certificate of qualification should remain suspended or revoked, and the defendant shall take issue thereon by pleading the general issue.”

Section 16. That Section 283 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

“Section 283. Trial by judge without jury; judgment to be rendered.—On appeal the judge shall hear both the law and the facts and if judgment in such cause is rendered in favor of the plaintiff the court shall enter a judgment affirming such order suspending or revoking such certificate and shall tax the defendant with the costs of such cause; if the judgment is rendered in favor of the defendant the court shall make an order vacating such order suspending or revoking such certificate and shall tax the costs of such cause against the plaintiff.”

Section 17. That Section 285 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

“Section 285. Appeal to supreme court.—The plaintiff or defendant may appeal to the supreme court of Alabama from any judgment rendered in said cause by said court in the same manner as appeals are now taken to the supreme court in civil cases.

Upon such appeal there shall be furnished in the bill of exceptions or transcript of the testimony a complete statement of all the evidence taken in the trial of the cause in the court below, and the supreme court shall upon such evidence render final judgment in the cause either by affirming the judgment or by reversing and rendering such judgment as the supreme court may deem proper in the case."

Section 18. That Section 286 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 286. Suspension or revocation of certificate of qualification and report to state licensing board for the healing arts.—The board of medical examiners shall not order the suspension or revocation of a certificate of qualification unless at least eight members of the board are present at the time such order is made nor then if two or more or those present vote against such order. Whenever the state board of medical examiners decides to suspend or revoke a certificate of qualification said board shall issue an order of suspension or revocation and shall give written notice thereof to the state licensing board for the healing arts, but if said board of medical examiners receives written notice of appeal from its decision, as herein provided, it shall withhold said notice of suspension or revocation from such licensing board until such time as the result of the appeal becomes known."

Section 19. That Section 289 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 289. Effect of revocation; issue of new certificate.—Whenever a certificate of qualification has been suspended or revoked it shall be unlawful for the person whose certificate of qualification has been so suspended or revoked to practice his profession in this state, but the state board of medical examiners may issue in behalf of such person, either with or without re-examination, a new certificate of qualification whenever it deems such course safe and just. Upon the issuance of such new certificate of qualification such person may apply to the state licensing board for the healing arts for license to re-enter the practice of his profession."

Section 20. That Section 291 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 291. Fees for examination; payment of.—The fee for an examination shall be twenty-five dollars, which amount must be paid in advance of the examination, and to such person as the board may authorize to receipt therefor. A fee shall not be returnable to an unsuccessful applicant, but such applicant shall be entitled to a second examination without paying an additional fee, provided such second examination is obtained within one year after the date of the first examination."

Section 21. That Section 294 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 294. Records of examinations kept by board.—The state board of medical examiners shall keep complete records of all examinations held by it, giving the name, age, residence, college, and date of graduation of such applicant examined, together with the results of such examination, which record shall be open to inspection. The said board of medical examiners shall also keep complete minutes of all of its proceedings, which minutes shall be so preserved as to be easily accessible should occasion arise for referring to them."

Section 22. That Sections 261, 263, 265, 266, 287, 288, 293, 296 and 297 of Title 46 of the Code of Alabama 1940 be and the same are hereby repealed.

Section 23. This act shall become effective on January 1, 1960, after its passage and approval by the Governor, or its otherwise becoming a law, provided that three certain bills have become law on or before said effective date, to-wit, a bill known as the "Alabama Basic Science Law" (H.B._____ or S.B._____) and a bill creating a board to be known as the "State Licensing Board for the Healing Arts" (H.B._____ or S.B._____), and a certain bill creating a state board of chiropractic examiners (H.B._____ or S.B._____).

Approved August 26, 1959.

Time: 11:36 A. M.

Act No. 110

H. 154—Bevill, Ray, McLendon (Bullock),
Bailey, Guthrie, Dodd, Jones
(Covington), Trimmier, Shumate,
Sullivan, Ashworth

AN ACT

To amend further Section 752, Title 51, Code of Alabama (1940), which relates to the state sales tax, so as to include sales of certain containers within the meaning of the term "wholesale sale" or "sale at wholesale."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 752, Title 51, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 752. Definitions.—(1) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"(a) The term 'person' or the term 'company' herein used interchangeably, includes any individual, firm, co-partnership, as-

sociation, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

“(b) The term ‘department’ means the department of revenue of the state of Alabama.

“(c) The term ‘commissioner’ means the commissioner of revenue of the state of Alabama.

“(d) The term ‘tax year’ or ‘taxable year’ means the calendar year.

“(e) The term ‘sale’ or ‘sales’ includes installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

“(f) The term ‘gross proceeds of sales’ means the value proceeding or accruing from the sale of tangible personal property (and including the proceeds from the sale of any property handled on consignment by the taxpayer), including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses; provided that cash discounts allowed and taken on sales shall not be included, and ‘gross proceeds of sales’ shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term ‘gross proceeds of sale’ shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

“(g) The word ‘taxpayer’ means any person liable for taxes hereunder.

“(h) The term ‘gross receipts’ means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all re-

ceipts actual and accrued, by reason of any business engaged in (not including, however, interest, discounts, rentals of real estate or royalties) and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever and without any deductions on account of losses. Said term 'gross receipts' shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

"(i) The term 'wholesale sale' or 'sale at wholesale' means a sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale. The term 'wholesale sale' shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures or compounds for sale, and the furnished container and label thereof. The term 'wholesale sale' or 'sale at wholesale' shall also include a sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons.

"(j) The term 'sale at retail' or 'retail sale' shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold, are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal

property manufactured or compounded are retail sales. The term 'sale at retail' or 'retail sale' shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

"(k) The word 'business' as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

"(1) The term 'automotive vehicle' shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

"(2) The use within this state of tangible personal property by the manufacturer thereof, as building materials, in the performance of a construction contract, shall, for the purposes of this article be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this article.

"(3) It is hereby declared to be the legislative intent not to affect by the provisions of this section the exemptions specifically provided for by sections 755 and 789, as amended, of Title 51, Code of Alabama 1940.

"(4) A sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama has registered with the department of revenue and has received therefrom a certificate of such registration or, if a non-resident of this state purchasing lumber for resale outside of Alabama, has furnished to the lumber manufacturer

his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before the thirty-first day of January of each succeeding year; provided, however, that if not renewed the certificate shall become invalid for the purpose of this chapter on the first day of February."

Section 2. This Act shall become effective on the first day of the month next succeeding its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 26, 1959.

Time: 11:37 A. M.

Act No. 111

H. 155—Bevill, Ray, McLendon (Bullock),
Bailey, Guthrie, Dodd, Jones
(Covington), Trimmier, Shumate,
Sullivan, Ashworth

AN ACT

To amend further Section 787, Title 51, Code of Alabama (1940), which relates to the state use tax, so as to include sales of certain containers within the meaning of the term "wholesale sale" or "sale at wholesale."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 787, Title 51, Code of Alabama (1940), as amended, is amended further to read as follows:

"Section 787. Definitions.—The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context indicates a different meaning:

"(a) The term 'person' or the term 'company' herein used interchangeably, includes any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(b) The term 'department' means the department of revenue of the state of Alabama.

"(c) The term 'commissioner' means the commissioner of revenue of the state of Alabama.

“(d) The term ‘wholesale sale’ or ‘sale at wholesale’ means a sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers not for resale. The term ‘wholesale sale’ shall include a sale of tangible personal property or products (including iron ore) to a manufacturer or compounder which enters into and becomes an ingredient or component part of the tangible personal property or products which he manufactures or compounds for sale, and the furnished container and label thereof. The term ‘wholesale sale’ or ‘sale at wholesale’ shall also include a sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons.

“(e) The term ‘sale at retail’ or ‘retail sale’ shall mean all sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales.

“(f) The word ‘business’ as used in this article, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting sub-activities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

“(g) The term ‘storage’ means and includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

“(h) The term ‘use’ means and includes the exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

“(i) The term ‘purchase’ means acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession, or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by

whatsoever means the same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

“(j) The term ‘sales price’ means the total amount for which tangible personal property is sold, including any services (including transportation) that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

“(k) The term ‘in this state’ or ‘in the state’ means within the exterior limits of the state of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

“(l) The term ‘automotive vehicle’ shall include a power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.”

Section 2. This Act shall become effective on the first day of the month next succeeding its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.

Time: 11:38 A. M.

Act No. 112

H. 222—Oden

AN ACT

To amend further Section 388 of Title 51, Code of Alabama 1940, which relates to exemptions from state income tax; and to provide that the Act shall be given retroactive effect to January 1, 1959.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 388 of Title 51 of the Code of Alabama of 1940, as amended, be and is hereby amended to read as follows:

Section 388. EXEMPTIONS—The following exemptions from income taxation shall be allowed to every individual resident taxpayer: Retirement Allowances, Pensions, and Annuities, or Optional Allowances, approved by the Board of Control of the Teachers' Retirement System of Alabama, which exempt status is set out in Section 370 of Chapter 14 of Title 52 of the Code of

Alabama of 1940. Retirement Allowances, Pensions, and Annuities, or Optional Allowances, approved by the Board of Control of the Employees' Retirement System of Alabama, which exempt status is set out in Section 9 of Act No. 515, of the 1945 Legislature, approved July 9, 1945. Dividends received on stocks of domestic corporations, including liquidating dividends paid from income of domestic corporations on which the corporation distributing such dividends has paid all income taxes due the State of Alabama in the current or prior tax years. Dividends on stocks of foreign corporations when it is shown to the satisfaction of the department of revenue that fifty per cent or more of the net income from which the dividends were declared was earned from sources within the state of Alabama, and that the corporation declaring the dividends has paid all income taxes due the state of Alabama; amounts received as dividends from national banks or national banking associations, or from corporations engaged in the business of banking or financial business employing moneyed capital coming into competition with the business of national banks, and also net income realized by individuals and partnerships from time to time in the business of banking or of conducting a financial business employing moneyed capital coming into competition with the business of national banks, only during and for the periods which such national banks, national banking associations, corporations, individuals, and partnerships are subject to an excise tax imposed by this state on or with respect to such income, and dividends paid by any such corporation, association, bank, individual or partnership out of income subject to such excise tax; in the case of a single person or a married person not living with husband or wife, a personal exemption of fifteen hundred dollars, or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of three thousand dollars, but a husband and wife living together shall receive only one personal exemption of three thousand dollars against their aggregate income, and in case they make separate returns the personal exemption of three thousand dollars may be taken by either or divided between them; three hundred dollars for each person, other than husband or wife, dependent upon the taxpayer and over half of whose support, for the calendar year in which the taxable year for the taxpayer begins, was received from the taxpayer. For the purposes of this section, "dependent" shall mean: A son or daughter of the taxpayer or a descendant of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother, or stepsister of the taxpayer; the father or mother of the taxpayer or an ancestor of either; a stepfather or stepmother of the taxpayer; a son or daughter of a brother or sister of the taxpayer; a brother or sister of the father or mother of the taxpayer; a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer. As used in this paragraph, the terms "brother" and

"sister" include a brother or sister by the half-blood. For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such a person by blood.

Of the following personal exemptions allowed resident taxpayers, each nonresident individual taxpayer shall be allowed that proportion thereof that the adjusted gross income received by said nonresident individual taxpayer from sources within the state of Alabama bears to his or her adjusted gross income received from sources within and without the state of Alabama: In the case of a single person, or a married person not living with husband or wife, a personal exemption of fifteen hundred dollars; or in the case of a head of a family, or a married person living with husband or wife, a personal exemption of three thousand dollars; a husband and wife living together shall receive but one personal exemption of three thousand dollars against their aggregate income and in case they make separate returns, the personal exemption of three thousand dollars may be taken by either or divided between them; and three hundred dollars for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer.

In the event a husband and wife file a joint return the husband and wife shall be jointly and severally liable for the income tax shown by said return, or as may be determined by the department of revenue, to be due by them to the state of Alabama.

Section 2. That if any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Act which is not of itself invalid or unconstitutional.

Section 3. This Act shall take effect immediately upon its enactment, and shall be given retroactive effect to January 1, 1959; that is, it shall be retrospective in operation from the date of enactment to December 31, 1958.

Approved August 26, 1959.

Time: 12:16 P. M.

Act No. 113

H. 316—Cook

AN ACT

Relating to Coffee County: To provide for the appointment and compensation of a jailer by the sheriff of Coffee County, and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Coffee County is hereby authorized

to appoint one jailer in lieu of all other jailers heretofore provided by law. Such jailer shall receive a salary of one thousand two hundred dollars (\$1,200) per annum, payable in equal monthly installments out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.

Time: 12:00 Noon

Act No. 114

H. 317—Cook

AN ACT

Relating to Coffee County: To provide for the appointment and compensation of a deputy to the sheriff, in addition to the chief deputy, of Coffee County; and to repeal Act No. 508, S. 586, approved August 22, 1951 (Acts of Alabama, 1951, p. 899), and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Coffee County is hereby authorized to appoint one deputy sheriff in addition to the chief deputy sheriff in his office. The deputy sheriff authorized herein shall receive a salary of not less than three thousand dollars (\$3,000) nor more than four thousand two hundred dollars (\$4,200) per annum, the exact amount to be fixed by the county governing body and paid in equal monthly installments out of the county treasury.

Section 2. Act No. 508, S. 586, approved August 22, 1951 (Acts of Alabama, 1951, p. 899), and all other laws or parts of laws in conflict with this Act, are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.

Time: 12:05 P. M.

Act No. 115

H. 346—Guthrie, Ray

AN ACT

To establish the maximum rate which newspapers may charge and which an individual, officer, municipality, county, the State, governmental subdivision, or any other legal entity may pay for the publication of legal notices, advertisements, publications, statements, or other

matter required by law or rules or orders of courts to be published in newspapers; to prescribe the manner of estimating the number of words in a publication; to repeal and supersede all laws in conflict herewith; and to provide for the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The rates herein established shall apply to any and all legal notices, advertisements, publications, statements or other matter of whatever kind or character required by the Constitution of Alabama, or by general, local or special law or rules or orders of courts to be published in newspapers in Winston County and Cullman County whether the agency required to cause the publication to be made is an individual, officer, municipality, county, the State, governmental subdivision, or any other legal entity.

Section 2. Newspapers of Winston and Cullman Counties shall not charge, nor shall any agency required to cause publication to be made pay, more than the current published commercial rate for publication charged by such newspaper.

Section 3. In estimating the number of words in a publication an appropriate caption may be included, but any memorandum of the printer must be excluded; and each amount or number expressed in figures and each initial letter shall each constitute one word; the year, month, and day shall each constitute one word, or three words together.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed and superseded.

Section 5. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.

Time: 12:06 P. M.

Act No. 116

H. 350—Hanby and Copeland

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the town of Altoona, Etowah County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Altoona, Etowah County, are hereby altered, rearranged, and extended, so as to embrace within the corporate limits of said municipality all of the following described territory lying and being in Etowah County, to wit:

Beginning at the NE corner of Section 34, Township 11, South, Range 3 East, in Etowah County, Alabama, thence in a Southerly direction and along the section line to the NE corner of Section 3, Township 12 South, Range 3 East, thence in a Southerly direction in a direct line to the Southwest Corner of said Section 3, thence in a Westerly direction and along the South Line of Section 4, Township 12 South, Range 3 East to the SW Corner of the SE $\frac{1}{4}$ of said Section 4, thence in a Northerly direction and along the half Section line to a point 165 feet North of the SW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 33, Township 11 South, Range 3 East, thence in an Easterly direction and parallel to the South-line of Section 33 to a point on the East line of said Section 33, thence in a Northerly direction and along the East line of said Section 33 to the NW Corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, Township 11 South, Range 3 East, thence in an Easterly direction and along the forty line to the SW Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 34. Thence in a Northerly direction and along the forty line to the North Line of Section 34, thence in an Easterly direction and along the North line of said Section 34 to the point of beginning.

All the above described land lying and being in Sections 33 and 34 of Township 11 South, Range 3 East and in Sections 3 and 4 in Township 12 South, Range 3 East.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.

Time: 12:10 P. M.

Act No. 117

H. 353—Cabiness

AN ACT

Relating to Jackson County: regulating further the office of the sheriff of Jackson County; authorizing the sheriff to appoint three additional deputies; providing for the qualifications, compensation, powers and duties of such deputies; authorizing the court of county commissioners, board of revenue, or like governing body of Jackson County to pay to the sheriff of the county an allowance to defray the operational and maintenance cost of transportation incurred by such deputies in the performance of their official duties; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Jackson County is hereby authorized to appoint, immediately upon the effective date of this Act, three deputies in addition to the chief deputy provided for by law. The sheriff shall certify the names of the deputies appointed by him to the court of county commissioners, board of revenue, or like county governing body of Jackson County. Each such deputy

shall be a qualified elector of Jackson County, and shall serve at the pleasure of the sheriff.

Section 2. The deputies provided for herein shall have the same powers, duties and authority as deputy sheriffs under the general laws of this State, and shall be subject to the supervision and control of the Sheriff at all times. For the performance of their official duties, each such deputy shall receive a salary of not less than two thousand seven hundred dollars (\$2,700.00) per annum and not more than three thousand six hundred dollars per annum, the amount to be set by the Board of Revenue or like county governing body of Jackson County, and payable in equal monthly installments out of the general funds of the County.

Section 3. The Board of Revenue or like county governing body of Jackson County is hereby authorized to pay to the sheriff of the County not less than one thousand eight hundred dollars (\$1,800.00) and not more than Three Thousand Dollars (\$3,000.00) per annum, the exact amount to be set by the said county governing body, to be payable in equal monthly installments out of the general funds of the County, to defray the operational and maintenance costs of transportation incurred by the three deputies provided herein in the performance of their official duties.

Section 4. Act No. 453 H-844, approved September 9, 1955 (Local Acts of Alabama 1955, Vol. II, page 1039; Act No. 190, H-578, approved August 13, 1957 (Local Acts of Alabama 1957, Vol. I, page 242) and all other laws or parts of laws in conflict with this act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.

Time: 12:15 P. M.

Act No. 118

H. 356—Gross

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Section, in the County of Jackson and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the

Town of Section, in the County of Jackson, and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said Town all of the following territory, namely:

The southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of Section 15; the east half of the west half and the east half of Section 22; the east half of the west half and the east half of Section 27; all of Section 23; all of Section 26; the west half of the west half of Section 24; and the west half of the west half of Section 25; all in Township 5 South, Range 6 East, Jackson County, Alabama.

All the territory embraced within the above described boundaries shall be included within the corporate limits of said Town of Section.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.

Time: 12:17 P. M.

Act No. 119

H. 393—Rozelle

AN ACT

Relating to the public schools of Escambia County; abolishing the office of Commissioner of Education of Escambia County and re-establishing in lieu thereof the office of county superintendent of education; repealing Act No. 19, H. 7, approved February 17, 1955.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Commissioner of Education of Escambia County created by the act of February 17, 1955 is abolished, and in lieu thereof the office of county superintendent of education is hereby re-established. The county superintendent of education shall administer the public school laws of the state and county, supervise the public schools and public school system of the county, and shall have and exercise all the rights, powers, and authority vested in county superintendents of education by the general laws of the state.

Section 2. A county superintendent of education shall be elected by the qualified electors of Escambia County at the general election in the year 1960, and every four years thereafter, to hold office from the first day of July next succeeding his election and until his successor is elected and qualified. The incumbent of the office of Commissioner of Education for Escambia County shall

be the county superintendent of education until his successor is elected as herein provided. His compensation shall not be increased nor diminished during the remainder of the term.

Section 3. No person shall be eligible for appointment or election as county superintendent of education in Escambia County who does not hold a Class A, Rank I (or higher) superintendent-principal professional certificate in administration and supervision based upon requirements established by the state board of education for such certificate, and who does not submit proof to the state superintendent of education of three years of successful educational experience as teacher, principal, supervisor, superintendent, educational administrator, or instructor in school administration during the five years next preceding his election or appointment. The county superintendent of education must be at the time of his election and during his continuance in office a qualified elector of Escambia County.

Section 4. The term of office of the county superintendent of education of Escambia County shall be for four years, and he shall be removed only by impeachment, in the manner prescribed by law. He shall receive an annual salary and the necessary expenses of traveling in the performance of his official duties. The salary and expense allowances of the county superintendent of education shall be fixed by the county board of education by resolution spread upon its minutes, but the compensation and allowances of the county superintendent of education shall not be increased nor diminished during the term for which he is elected.

Section 5. The county superintendent of education shall give bond in such penal sum as may be prescribed by the county board of education, in the manner and with the conditions provided for custodians of county school funds.

Section 6. The county superintendent of education of Escambia County shall perform the same duties and functions as other county superintendents of education as prescribed in Chapter 6, Title 52, Code of Alabama 1940, as amended.

Section 7. Act No. 19, H. 7, approved February 17, 1955, creating the office of Commissioner of Education of Escambia County to administer the public school laws of Escambia County, and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved August 26, 1959.
Time: 12:19 P. M.

Act No. 120

H. J. R. 54—Gross

HOUSE JOINT RESOLUTION

WHEREAS, Charles G. Collins of Scottsboro passed away on June 20, 1959, and

WHEREAS, Mr. Collins was a long time and faithful employee of the City of Scottsboro, Alabama, and was a veteran of World War I, and

WHEREAS, Mr. Collins was an outstanding citizen and christian gentleman of Jackson County and was also the grandfather of our colleague, Representative Bernard Cabiness of Jackson County, now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that:

1. This Legislature expresses its deepest sympathy to the family of Mr. Collins in their loss and directs the Clerk of the House of Representatives to forward a copy of this Resolution to Mrs. Collins and to Representative Cabiness.

Approved August 26, 1959.
Time: 12:20 P. M.

Act No. 121

H. J. R. 56—Bailey, Pierce, Boyd, Bassett, Britton, Dickson, Brooks, Glass, Brannan, Salter, Jones (Covington), Goldthwaite, McLendon, Turnham, Thomas, Lee, Cornett, Adams (Houston), Steagall, Hain, Hardy, Gilmer, Franklin, Rozelle, Chambers, Solomon, Hocklander, Trimmier, Murphy, Phillips, Grant, Daniel, Oakley, Nettles, Grouby, Smith (St. Clair), Merrill

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that profuse thanks be given to our hosts of Monday evening, for a convivial, zestful, festive, and gala occasion, which was immensely enjoyed by all in attendance.

Approved September 9, 1959.
Time: 4:30 P. M.

Act No. 122

S. J. R. 18—Givhan

SENATE JOINT RESOLUTION

Whereas, it appears that sales of cotton will be made by the United States Department of Agriculture at 110 per cent of support price for Choice B cotton, and

Whereas, it appears that this will depress the market price for cotton, and

Whereas, a large portion of cotton in Alabama was grown under Choice A plan in Alabama and the cotton belt as a whole, and

Whereas, a delay in the sales of Choice A and other government owned cotton by the Federal Government and its agents will be helpful in maintaining the price of cotton,

Now therefore be it resolved by the Senate of the Legislature of Alabama, the House concurring, that: (1) We oppose the domestic sale of Government-owned cotton during the normal period when farmers are harvesting and marketing their crop of cotton; (2) that copies of this resolution be sent to the Senators and Representatives from Alabama in the U. S. Congress and that we request them to use their influence in getting the policy stated herein put into effect; and (3) that a copy be sent to the Honorable Ezra Taft Benson, Secretary of Agriculture of the United States.

Approved September 9, 1959.

Time: 4:31 P. M.

Act No. 123

S. 26—Golson

AN ACT

Providing for the voluntary expatriation of certain unemployed citizens of Lowndes County; authorizing the county to undertake a voluntary expatriation program whenever the program is approved at a referendum; providing for the ordering and holding of the referendum; providing for the financing of the program; providing for the establishment of a county voluntary expatriation committee, and prescribing its powers and duties; and regulating the payment of funds to such expatriates.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or like governing body of Lowndes County may order an election to determine whether or not financial assistance shall be provided for the voluntary expatriation of unemployed citizens of the county, in the manner hereinafter provided in this Act. The sheriff must give notice at least thirty days before any election to be held under this Act, by publication in some newspaper in the county, if any is published therein, and if not, by written notice

posted at the court house door, and three other public places in the county, of the time of holding and the purpose of the election. The county commissioners, board of revenue, or like governing body of the county shall provide for the holding of the election on the date specified in the notice. If the question of participating in the voluntary expatriation fails to carry at any such election, that fact shall not preclude subsequent elections held in accordance with this Act.

Section 2. The court of county commissioners, board of revenue or like governing body of Lowndes County shall declare the result of the election and if a majority of the electors voting on the question have voted in favor of the voluntary expatriation program, the court of county commissioners, board of revenue or like governing body of the county shall be authorized to appropriate from the general fund of the county, or from any other local funds available to the county for public welfare purposes, a sum sufficient to carry out the provisions of this Act. The funds so appropriated shall be expended as provided herein by a county voluntary expatriation committee which shall be composed of the circuit solicitor of the county, acting as chairman, and the judge of probate and the circuit clerk, who shall act as associate members of the committee.

Section 3. Only public assistance recipients of the county department of pensions and security shall be eligible for voluntary expatriation. Upon application by any such recipient and approval by the expatriation committee, the committee shall furnish transportation to any place outside the State of Alabama and not less than five hundred miles distant. The voluntary expatriation committee, however, shall not approve an application until local funds have been appropriated and made available to defray the cost of such transportation.

Section 4. Subsequent to such removal, the department of pensions and security shall make assistance payments to or on behalf of the expatriate in such amounts and for such period of time as the expatriate may be entitled by law and applicable rules and regulations of the department of pensions and security. Following the termination of regular assistance payments by the department of pensions and security, the Commissioner of pensions and security, upon request of the Director of the Lowndes County department of pensions and security, and with the approval of the State Board of Pensions and Security, is authorized to have monthly payments made from any state funds available for such purpose to or on behalf of the expatriate in an amount not in excess of the last regular monthly assistance payment received by the expatriate from the department of pensions and security. Such monthly payments may be continued for a period of time which, when added to the number of regular monthly assistance payments received from the department of pensions and security

after removal from the State, will not exceed a total of thirteen months.

Section 5. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Approved September 9, 1959.
Time: 5:10 P. M.

Act No. 124

H. 24—Glass, Taylor

AN ACT

To amend Section 8 of Title 55, Code of Alabama (1940), which designates and names the official state flower, by naming and designating the camellia as the official state flower.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Title 55, Code of Alabama (1940), is amended to read as follows:

“The camellia is hereby designated and named as the official state flower of Alabama.”

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 26, 1959.
Time: 11:31 A. M.

Act No. 125

H. 193—Johnson (Hardaway), Johnston
(Leonard)

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

“The Legislature may from time to time, by general or local laws applicable to or operative in Elmore County, fix, regulate,

and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Elmore County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House May 19, 1959.

Passed the Senate Sept. 11, 1959.

Act No. 126

H.J.R. 58—Turner

HOUSE JOINT RESOLUTION

Whereas the Honorable W. W. (Will) Malone of Athens, a former member of the Senate, an able attorney of Limestone County for fifty years, and an outstanding citizen who had long been active in the civic affairs of his community and the State passed away in Nashville, Tennessee on Thursday of last week; and

Whereas the death of this distinguished former Senator is noted by the members of the Legislature with profound regret; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That the members of the Legislature hereby mourn the passing of The Honorable W. W. Malone and extend their most heartfelt sympathy to the family of Mr. Malone.

BE IT FURTHER RESOLVED That the Clerk of the House is hereby directed to transmit a copy of this resolution to Mr. Malone's family.

Approved September 21, 1959.

Time: 8:00 A. M.

Act No. 127

H.J.R. 59—Jones (Covington), Callahan, Grant, Dodd, Roberts, Beville, Hanby, Glass, Hain, Turnham, Speaks, Ashworth

HOUSE JOINT RESOLUTION

Relative to inspection of Bryce Hospital and Partlow State School

WHEREAS a tour of state hospitals for the mentally ill has been made by the special committee raised to study mental health problems and resulted in a recommendation by that committee that all Senators and Representatives be urged to inspect these facilities at their earliest opportunity; and

WHEREAS suitable arrangements for transporting members of the House and Senate to Tuscaloosa and back have been made for Wednesday, September 16, the place of departure being the Jeff Davis Hotel and the hour, 8:00 A.M.; now therefore, be it

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That Wednesday, September 16, be set aside for the purpose hereinabove stated, and that all members who can possibly do so, are urged to participate in this inspection tour so as to inform themselves on the needs of the institutions involved and the patients therein.

Approved September 21, 1959.

Time: 8:01 A. M.

Act No. 128

H. 7—Smith (Russell), Pierce, Roberts, Boyd, Ingram, Pruitt, Adams (Tallapoosa), Oden

AN ACT

To appropriate, in addition to any other appropriation heretofore made for such purposes, out of any funds in the State Treasury not otherwise appropriated, the sum of \$15,000.00 or so much thereof as may be necessary, to be used for payment of attorneys fees in indigent capital cases for the fiscal years ending September 30, 1958 and September 30, 1959, pursuant to the provisions of Title 15, Code of Alabama 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated, in addition to any other appropriation heretofore made for such purposes, out of any funds in the State Treasury not otherwise appropriated, the sum of \$15,000.00, or so much thereof as may be necessary, to be used for payment of attorneys fees in indigent capital cases, for the fiscal years ending September 30, 1958 and September 30, 1959, pursuant to the provisions of Title 15, Code of Alabama 1940, as amended.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:02 A. M.

Act No. 129

H. 10—Smith (Russell), Pierce, Roberts,
Boyd, Ingram, Pruitt, Adams
(Tallapoosa), Oden

AN ACT

To amend Section 3 of Act No. 603, entitled "An Act Empowering the Superintendent of Banks to require fees for the examination of all State Banks, Credit Unions and Small Loan Companies", approved September 18, 1957 (General Acts of Alabama 1957, Volume II, page 862).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 603, entitled "An Act Empowering the Superintendent of Banks to require fees for the examination of all State Banks, Credit Unions and Small Loan Companies", approved September 18, 1957 (General Acts of Alabama 1957, Volume II, page 862) be, and the same is hereby amended to read as follows:

"Section 3. The Superintendent of Banks shall be and is hereby empowered to assess an examination fee on all licensees of the Bureau of Loans and under his supervision, which examination fee shall be \$100.00 per annum, payable within ten (10) days after such examination and on the call of the Superintendent of Banks. All examination fees heretofore collected under this section and held in the State Treasury and all such fees to be collected shall be paid into the State Treasury to the credit of the General Fund."

Section 2. This Act shall become effective October 1, 1959.

Approved September 21, 1959.

Time: 8:03 A. M.

Act No. 130

H. 68—Roberts, Reynolds (Madison)

AN ACT

To alter, rearrange, and extend the boundaries of the City of Huntsville in Madison County, providing for a referendum election to determine whether the Act will become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Huntsville in Madison County are hereby altered, rearranged and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory:

All that part of Sections 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 4 South Range 1 East; Section 24, Township 4 South, Range 1 West, and Sections 4, 5, 8 and 17, Township 5 South, Range 1 East, Madison County, Alabama; particularly described as beginning at the center of the Southwest Quarter of Section 20, Township 4 South, Range 1 East; said place of beginning is further described as being the Southeast corner of present corporate boundary of the City of Huntsville; thence from the place of beginning East 3960 feet to the center of the East boundary of the Southeast Quarter of Section 20, Township 4 South, Range 1 East; thence North 1320.0 feet to the center of the West boundary of Section 21, Township 4 South, Range 1 East; thence East 2640.0 feet to the center of Section 21, Township 4 South, Range 1 East; thence South 3960.0 feet to the center of the West boundary of the Northeast Quarter of Section 28, Township 4 South, Range 1 East; thence East 2640.0 feet to the center of the East boundary of the Northeast Quarter of Section 28, Township 4 South, Range 1 East; thence South 10,560 feet to the center of the East boundary of the Northeast Quarter of Section 4, Township 5 South, Range 1 East; thence West 1320.0 feet to the center of the Northeast Quarter of Section 4, Township 5 South, Range 1 East; thence South 3960.0 feet to the center of the South boundary of the Southeast Quarter of Section 4, Township 5 South, Range 1 East; thence West 3960.0 feet to the Southwest corner of Section 4, Township 4 South, Range 1 East; thence South 1320.0 feet to the center of the East boundary of the Northeast Quarter of Section 8, Township 5 South, Range 1 East; thence West 1320.0 feet to the center of the Northeast Quarter of Section 8, Township 5 South, Range 1 East; thence South 9240.0 feet to the center of the South boundary of the Southeast Quarter of Section 17, Township 5 South, Range 1 East; thence West 1320.0 feet to the center of the South boundary of Section 17, Township 5 South, Range 1 East; thence North 1320.0 feet to the center of the East boundary of the Southwest Quarter of Section 17, Township 5 South, Range 1 East; thence West 2640.0 feet to the center of the West boundary of the Southwest Quarter of Section 17, Township 5 South,

Range 1 East; thence North 6600.0 feet to the center of the West boundary of Section 8, Township 5 South, Range 1 East; thence East 1320.0 feet to the center of the South boundary of the Northwest Quarter of Section 8, Township 5 South, Range 1 East; thence North 10,560.0 feet to the center of the North boundary of the Southwest Quarter of Section 32, Township 4 South, Range 1 East; thence West 3450.0 feet to a point on the East margin of the Louisville & Nashville Railway Right-of-way; thence North 15 degrees 20 minutes West along the East margin of the Louisville & Nashville Railway Right-of-way 50.0 feet measured at right angles from the centerline of same a distance of 10,986.0 feet to a point on the North boundary of the Southeast Quarter of Section 24, Township 4 South, Range 1 West; thence East 428.0 feet to a point on the West boundary of the City of Huntsville Fleming School site; thence South 15 degrees 20 minutes East along the West margin of said school tract 1336.0 feet to the Southwest corner of said school tract; thence South 88 degrees 22 minutes East along the South margin of said school tract 1098.67 feet; thence North 4 degrees 58 minutes West along the East margin of said school tract 843.20 feet; thence South 88 degrees 22 minutes East 201.33 feet to a point on the West boundary of Whitesburg Drive; thence North 4 degrees 58 minutes West 442.62 feet to a point on the North boundary of the Southwest Quarter of Section 19, Township 4 South, Range 1 east; thence East 2570.16 feet to a point which is located 496.0 feet East of the center of the North boundary of the Southeast Quarter of Section 19, Township 4 South, Range 1 East; thence South 1320.0 feet to a point on the South boundary of the Northeast Quarter of the Southeast Quarter of Section 19, Township 4 South, Range 1 East; thence East 2144.0 feet to the place of beginning.

It is provided, however, that there shall be excepted from the area above described all that part of the Southwest Quarter of Section 30, Township 4 South, Range 1 East, Madison County, Alabama; particularly described as beginning at a point on the West margin of Whitesburg Drive; said point being located due West 50.0 feet from the center of the South boundary of Section 30, Township 4 South, Range 1 East; thence from the place of true beginning due West along the South boundary of Section 30, Township 4 South, Range 1 East, 252.9 feet to a point on the East margin of the right-of-way of the Louisville & Nashville Railway; thence North 15 degrees 20 minutes West along the East margin of the Louisville & Nashville Railway right-of-way 50.0 feet measured at right angles from the centerline of same a distance of 451.7 feet; thence North 49 degrees 30 minutes East 507.1 feet to a point on the West margin of Whitesburg Drive; thence South 0 degrees 15 minutes East along the West margin of said Whitesburg Drive 757.5 feet to the place of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. (a) The substantial provisions of this Act shall become effective only if the Act is approved by a majority of the qualified electors of Madison who reside within the territory described herein which is outside the present corporate limits of the City of Huntsville, voting at a referendum election. The election shall be held on the first Tuesday after the expiration of thirty days from the date of this enactment.

(b) Notice of the election shall be given by the sheriff of Madison County, and such notice shall be published one time in a newspaper having a general circulation in Madison County at least ten days prior to the date of the election. The notice shall state the date on which the election is to be held, the voting place or places designated by the Board of County Commissioners of Madison County, the boundaries within which voters must reside to vote at the respective voting places, which must be within the particular territory annexed to the City by this Act; and the notice must state that a map of the territory to be affected is on file in the office of the judge of probate of said county, open to inspection by the public. It shall be sufficient if such notice is in substance as follows: "Notice is hereby given that, pursuant to Act No. (giving number of this Act and date of enactment), an election will be held on Tuesday, the ____ day of _____, 195____, during the hours between 8:00 A.M. and 6:00 P.M., in the unincorporated territory described in Section 1 of said Act No. and in a map on file in the office of the judge of probate of Madison County, for the purpose of submitting to the qualified electors residing in such unincorporated territory the question of approval or disapproval of such Act.

"Notice is also given that there have been designated and appointed as voting places, and as officers to serve at such voting places, the following: (Here describe the locations of the designated places of voting and list the names of the election officials appointed for each place)"

(c) The Board of County Commissioners of Madison County may designate as many places within the particular territory to be annexed to the city as they may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places; and the appointing board, consisting of the judge of probate, sheriff and circuit clerk of Madison County as provided by law shall appoint an inspector, a chief clerk, and two assistant clerks for each voting machine to be used at the election.

(d) Each qualified voter who has resided within the boundaries of the territory to be annexed to the city for three months next preceding the election may vote at the election, but he must vote at the voting place designated by the Board of County Commissioners for voters in the territory in which he resides and in

no other place. The Board of Registrars shall prepare or cause to be prepared a list of qualified electors who are entitled to vote at the election.

(e) The election must be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as modified by the provisions of this Act.

(f) The probate judge of Madison County shall cause to be installed voting machines at the designated voting places, and have prepared for the election all election supplies, including the ballot labels and the costs of these supplies shall be paid by the City of Huntsville. The question to be printed on the ballot labels shall be substantially stated as follows: "Do you favor annexation to the City of Huntsville in accordance with the provisions of Act. No. _____, approved _____, 195____? Yes () No ()."

(g) The inspectors at the several voting places must, as soon as the polls are closed, ascertain and certify the results of the election to the judge of probate, and the judge must canvass the returns as made. If a majority of the votes cast are "Yes," this Act shall become operative on the first day of the month following the month during which the election is held; if a majority are "No," this Act shall have no further effect. The probate judge of Madison County shall certify the results of the election to the Secretary of State and to the governing body of the City of Huntsville within thirty days from the date of the election, and he shall keep on file in his office a copy of such certificate.

(h) The probate judge of Madison County shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, all of which shall be paid by the City of Huntsville.

Approved September 21, 1959.

Time: 8:04 A. M.

Act No. 131

H. 86—Pierce, Bailey

AN ACT

To amend further Section 1 of the Act approved June 16, 1945 (Act No. 115, S. 121, Acts 1945, p. 108) relating to the rehabilitation of alcoholics, so as to change the name of the commission provided for in such act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of the Act approved June 16, 1945 (Act

No. 115, S. 121, Acts 1945, p. 108) entitled "An Act to promote the rehabilitation of alcoholics and to promote the education of the public with respect to alcoholism and to make an annual appropriation for this purpose" is hereby amended to read as follows:

"Section 1. The superintendent of the Alabama state hospital, the director of the department of public welfare, the state health officer, the professor of psychiatry at the Medical School of the University of Alabama, the director of the division of vocational education in the department of education and two citizens of Alabama to be named by the governor, for terms of four years from and after their appointment, are hereby constituted a commission to be known as the commission on alcoholism with the power to prepare and administer a program for the rehabilitation of alcoholics and the education of the public with respect to dealing with alcoholism as a disease; to enlighten the public with regard to the economic loss, moral degradation, and effect on human behavior that may be caused by continuous and excessive use of alcohol; to utilize such facilities in this state, including equipment and professional and other personnel as may be made available for said purposes; and to expend such sums for said purposes as may, from time to time, be appropriated therefor by the legislature."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:05 A. M.

Act No. 132

H. 112—Sullivan

AN ACT

To apply in Pickens County; regulating further the taking of fish from public streams and impounded waters; authorizing the taking of catfish by the use of baskets, including wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken.

Be It Enacted by the Legislature of Alabama:

Section 1. Any resident of Pickens County duly licensed as provided in this Act may take, capture, and kill catfish from the public streams and impounded waters of the county for his domestic use or consumption by the use of baskets, including wire mesh baskets having a mesh of one inch or more; provided, that no person shall be licensed to fish with more than four such baskets.

Section 2. Any resident of Pickens County desiring a license to fish for catfish with baskets, including wire mesh baskets, may apply to the probate judge of Pickens County, and shall pay a

privilege license tax of one dollar for each basket he proposes to fish, not exceeding four altogether. The probate judge shall issue such license on forms provided by the county governing body, and shall keep a permanent record of all licenses issued and all taxes received. Licenses shall be issued on a calendar year basis, and all licenses issued in any year shall expire on December 31 of that year.

Section 3. All revenues derived from the sale of licenses as provided in this Act shall be used by the county under the direction of the State Department of Conservation solely for stocking the streams and impounded waters in the county with game fish, or for the feeding and cultivation of game fish; provided, the probate judge may retain five per cent of all revenues collected for issuing such licenses and collecting such taxes.

Section 4. It shall be unlawful for any licensee to sell or offer to sell fish taken, captured, or killed in a basket. Any person who violates this section shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law; in addition to such punishment, the court trying the case shall revoke the license of such person.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:07 A. M.

Act No. 133

H. 138—Callahan

AN ACT

To authorize and provide for the payment of a monthly expense allowance for expenses incurred in the conduct and maintenance of his office and in the proper and efficient performance and discharge of his duties as such Circuit Judge to each Circuit Judge in Judicial Circuits in Alabama composed of one county in Alabama having a population of not less than 94,000 nor more than 134,000 inhabitants, according to the last, or any subsequent, federal decennial census, payable out of the County treasury of the County composing such Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. That this act shall only apply in Judicial Circuits in Alabama composed of one County having a population of not less than 94,000 and not more than 134,000 inhabitants according to the last or any subsequent Federal decennial census.

Section 2. That each Circuit Judge in Judicial Circuits of Alabama composed of one county in the State having a population of not less than 94,000 nor more than 134,000 inhabitants, according to the last or any subsequent Federal decennial census, shall be entitled to and shall receive for office and other expense incurred in the maintenance and conduct of his office and in the proper and efficient discharge and performance of his duties as such Circuit Judge, to be paid from the county treasury of the county composing such Judicial Circuit, the sum of Seventy Five (\$75.00) dollars per month, on vouchers or warrants drawn in the manner prescribed by law for the payment of the compensation of such judge, which expense allowance shall be in addition to those now authorized and provided by law and all of which shall be expended as directed and as determined by said Judge.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:08 A. M.

Act No. 134

H. 158—Bevill, McLendon (Bullock), Bailey, Ray, Guthrie, Dodd, Jones (Covington), Goodwyn, Trimmier, Sullivan, Ashworth

AN ACT

To amend Section 9 of the act approved September 2, 1949 entitled, "An Act Relating to public health; to regulate, through licensure, hospitals, sanatoria, rest homes, nursing homes, and related institutions; and providing penalties for the violation of this Act." (Act No. 530, H. 635, Acts of Alabama 1949, p. 835)

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of the act approved September 2, 1949 entitled "An Act Relating to public health; to regulate, through licensure, hospitals, sanatoria, rest homes, nursing homes, and related institutions, and providing penalties for the violation of this Act." (Act No. 530, H. 635, Acts of Alabama 1949, p. 835) is hereby amended to read as follows:

"Section 9. Appointment and terms of office of Advisory Board members:

"There shall be an Advisory Board of eleven members to assist in the establishment of rules, regulations and standards necessary to carry out the provisions of this Act and to serve as consultants to the State Health Officer. The Board shall meet at least twice each year and at the call of the State Health Officer. The members of the Board shall annually elect one of its members to serve as Chairman.

"The Advisory Board shall be constituted in the following manner: Four representatives of hospitals who shall be appointed by the Board of Trustees of the Alabama Hospital Association as follows: One administrator of a governmental hospital, one administrator of a non-governmental non-profit hospital, one owner or administrator of a proprietary hospital, one member of a managing board of a non-profit hospital, three representatives who shall be Doctors of Medicine appointed by the Board of Censors of the Alabama State Medical Association, one representative who shall be a Registered Nurse appointed by the Executive Board of the Alabama State Nurses Association, one representative from the Board of the Department of Public Welfare to be appointed by the Board and one registered pharmacist actively engaged in the practices of pharmacy in the State of Alabama, to be appointed by the Alabama State Board of Pharmacy. One member of the Advisory Board shall be appointed by the Executive Committee of the Alabama Nursing Home Association, who shall be the operator of duly qualified licensed nursing home. Of the original representatives appointed by the Board of Trustees of the Alabama Hospital Association one shall serve for three years, two shall serve for four years, and one shall serve for five years. One of the representatives appointed by the Board of Censors of the Alabama State Medical Association shall serve for two years, one shall serve for three years, one shall serve for five years. The one representative appointed by the Alabama State Nurses Association shall serve for four years. The one representative from the State Board of Public Welfare shall serve for four years and the one representative from the State Board of Pharmacy shall serve for four years. The representative appointed by the Executive Committee of the Alabama Nursing Home Association shall serve for five years. Thereafter, each new appointee shall serve for five years or until his successor is appointed, except that in the case of a vacancy the appointee shall serve for the remainder of the unexpired term. Any vacancy shall be filled by the original organization selecting said member.

"Members of the Advisory Board shall not be eligible to succeed themselves after they have served one full five-year term, but shall be eligible for reappointment if they have not served immediately preceding their reappointment.

"Members of the Advisory Board shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of their office."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.
Time: 8:08 A. M.

Act No. 135

H. 208—Lee, Adams (Tallapoosa), Ashworth, Smith (Russell)

AN ACT

To amend the act of April 13, 1955 entitled "An Act to fix the salary of the director of the Legislative Reference Service" (Act No. 69, H. 80, 1955 Acts 179).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of the Act of April 13, 1955 entitled "An Act to fix the salary of the director of the Legislative Reference Service" (Act No. 69, H. 80, 1955 Acts 179) are amended to read as follows:

"Sec. 1. The salary of the director of the Legislative Reference Service shall be twelve thousand dollars per annum, payable in installments as the salaries of other state employees are paid.

"Sec. 2. The provisions of section 2 of Act No. 4, H. 6, approved January 25, 1951, as amended by an act of September 8, 1955 (Act No. 371, H. 816, 1955 Acts 896, 897) and of all other acts in conflict with this Act are hereby repealed."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 9:00 A. M.

Act No. 136

H. 323—Hawkins, Adams (Tallapoosa), Edwards, Perry, Sessions, Locke, Morrow, Rast, Ashworth, Pruitt, Dodd, Thomas

AN ACT

To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of \$25,000.00 to the Birmingham Chamber of Commerce to be expended for the Southeastern Regional Exposition of the Department of Defense to be staged in Birmingham, Alabama, December 7-9, 1959, inclusive.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of \$25,000.00 to the Birmingham Chamber of Commerce to be expended only for the Southeastern Regional Exposition of the Department of Defense, for the purpose of providing for the support of such exposition to be held in Birmingham, Alabama December 7-9, 1959, inclusive.

Section 2. The above appropriation shall be allotted by the State Budget Officer on the approval of the Governor; and the State Comptroller shall issue his warrant for same upon such allocation and approval.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 21, 1959.
Time: 8:09 A. M.

Act No. 137

H. 412—Bevill

AN ACT

To repeal Act No. 669, S. 276, approved September 20, 1957, entitled "An Act To regulate the compensation of certain county employees of all counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census" (Acts of Alabama, Regular Session 1957, Vol. II, p. 1013).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 669, S. 276, approved September 20, 1957, entitled "An Act To regulate the compensation of certain county employees of all counties having a population of not less than 63,750 nor more than 72,750 inhabitants, according to the last or any subsequent federal decennial census" (Acts of Alabama, Regular Session 1957, Vol. II, p. 1013) is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.
Time: 8:10 A. M.

Act No. 138

H. 427—Perry, Locke, Hawkins, Rast,
Sessions, Edwards, Morrow

AN ACT

To amend an Act approved September 6, 1957, entitled "An Act to establish an Inferior Court for Jefferson County, Alabama, to define the jurisdiction and powers of said court, the judge, the clerk and other officers thereof; to provide for a place of holding said court, the terms and salary of said judge and officers of said court, the manner of their appointment and election, and the payment of their salaries, and to provide that the Act shall go into effect on the First day of January 1959", and to provide for an annual vacation of the judge of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. That 2 (b) of an Act of the Legislature approved

September 6, 1957, entitled "An Act to establish an Inferior Court for Jefferson County, Alabama, to define the jurisdiction and powers of said court, the judge, clerk and other officers thereof; to provide for a place of holding said court, the terms and salary of said judge and officers of said court, the manner of their appointment and election, and the payment of their salaries and to provide that the Act shall go into effect on the First day of January, 1959," be amended so as to read as follows: Section 2 (b) If the Judge of the Jefferson County Criminal Court shall be unable to discharge the duties of his office by reason of illness, disqualification, annual vacation, or inability to hold court, the Presiding Judge of the Circuit Court shall appoint a licensed attorney, who shall be a resident of Jefferson County, who shall perform all of the duties of said Judge of this Court, during such illness, disqualification, annual vacation or inability of the Judge. Such Special Judge shall receive the same compensation as the regular judge. The annual vacation of the Judge shall not exceed thirty (30) days during any calendar year.

Section 2. That if any section, clause or provision of this Act shall be declared to be unconstitutional or held invalid, it shall not be held to affect any other section, clause or provision but the same shall remain in full force and effect.

Section 3. That all laws and parts of laws, general, special or local, in conflict with any provisions of this Act be and the same are hereby repealed.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 21, 1959.

Time: 8:11 A. M.

Act No. 139

H. 435—Britton

AN ACT

To regulate the compensation of members of the county board of education in counties having a population of not less than 14,000 nor more than 16,000 inhabitants according to the 1950 federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 14,000 nor more than 16,000 inhabitants according to the 1950 federal decennial census.

Section 2. The members of the county board of education of any county having a population of not less than 14,000 nor more than 16,000 inhabitants, according to the 1950 federal decennial census, shall each receive, as compensation for their services, from

the public school funds of the county, twenty dollars (\$20.00) a day and their actual traveling and hotel expenses incurred in attending meetings and transacting the business of the board. Their pay and expenses shall be paid in like manner as provided for the payment of the compensation of teachers.

Section 3. The members of the board shall not be allowed pay for more than twenty-four days in any one year, nor shall any member of the board receive pay for any day on which he does not attend a meeting of the board or transact other business of the board.

Section 4. This Act shall become effective as to all members of the board immediately after the expiration of the term or terms of office of the present member or members whose term or terms first expire.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Approved September 21, 1959.

Time: 8:12 A. M.

Act No. 140

H. 441—Ashworth

AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the town of West Blocton, Bibb County, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the town of West Blocton, Bibb County, are hereby altered, rearranged, and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

Northwest quarter of Southeast quarter of Section 13, Township 22 South, Range 6 West, Bibb County, Alabama; and also a parcel of land situated in the Southwest quarter of the Southeast quarter of Section 13, Township 22 South, Range 6 West, Bibb County, Alabama, described as follows: Begin at the Northeast corner of the Southwest quarter of the Southeast quarter of Section 13, Township 22 South, Range 6 West and thence run West along the North boundary line of said Southwest quarter of Southeast quarter to the Northwest corner of the Episcopal Church Lot, and which said Episcopal Church Lot corner is situated on the East boundary line of the present corporate limits of the Town of West Blocton, Alabama; thence run in a Southeasterly direction along the East boundary line of the present corporate limits of said Town of West Blocton to the East boundary line of said

Southwest quarter of Southeast quarter; and thence run North along the East boundary line of said Southwest quarter of Southeast quarter to the Northeast corner of said Southwest quarter of Southeast quarter of Section 13, Township 22 South, Range 6 West, which is the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:13 A. M.

Act No. 141

H. 444—Phillips

AN ACT

To amend Act No. 581, H. 1044, approved September 19, 1949 (1949 Acts, p. 909), entitled "An Act Relating to Choctaw County: To authorize and direct the governing body of Choctaw County to pay the salaries of clerks for the Tax Assessor and Tax Collector of the county."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 581, H. 1044, approved September 19, 1949 (1949 Acts, p. 909), entitled "An Act Relating to Choctaw County: To authorize and direct the governing body of Choctaw County to pay the salaries of clerks for the Tax Assessor and Tax Collector of the county," is amended to read as follows:

"Section 1. The governing body of Choctaw County is authorized and directed to pay out of the county treasury the salaries of a clerk for the Tax Assessor and a clerk for the Tax Collector, to be appointed by the Tax Assessor and Tax Collector who shall also fix each of their salaries at not more than one thousand eight hundred dollars (\$1,800) per annum."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:14 A. M.

Act No. 142

H. 456—Brannan

AN ACT

To empower the board of revenue, court of county commissioners, or other like governing body of counties having a population of not less than 40,500 nor more than 45,000 inhabitants, according to the last or any subsequent federal decennial census, to authorize the offices of officials in the courthouse to be closed all day on Saturday each week.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of any county having a population of not less than 40,500 nor more than 45,000 inhabitants, according to the last or any subsequent federal decennial census, may, in its discretion and by resolution spread upon its minutes, authorize the offices of the officials in the courthouse of such county to be closed all day on Saturday each week, any provision of law to the contrary notwithstanding.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:15 A. M.

Act No. 143

H. 472—Hawkins, Rast, Edwards, Locke,
Morrow, Sessions, Perry

AN ACT

To provide for making service awards to certain county employees in all counties having a population in excess of 500,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population in excess of 500,000, according to the last or any subsequent federal decennial census is authorized and empowered to appropriate county funds to defray the cost of buying suitable pins, medals, scrolls, or other like objects to be used as awards for county employees who have been in county service for such term or terms as such county governing body considers appropriate and worthy of recognition.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:16 A. M.

AN ACT

To authorize and provide for the establishment, maintenance, operation and financing of a public law library in DeKalb County, Alabama; to authorize the governing body of said County to expend public funds under its control, therefore to provide for taxing and collecting of additional court costs in certain courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said library or to assist therein, and the employment of additional personnel for said purpose and the payment of salaries of such personnel.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The governing body of DeKalb County, Alabama, by whatever name called, is hereby fully authorized to establish and maintain a public law library in said county, and, to accomplish said purpose, may, from time to time, expend such public funds of said County as are not required by law to be expended for any other purpose or purposes; to provide suitable housing quarters, furniture, fixtures and equipment therefor; to keep the same in a good state of maintenance and repair; and from time to time to enlarge, expand and improve such library, facilities and equipment, and from time to time to provide such books, reports and periodicals for said library as are not now provided therefor out of the proceeds of the special fund created by this Act or otherwise; and to pay the salaries of a Librarian and such other personnel as may be necessary and proper to operate the same to the extent that such salaries are not paid out of the proceeds of such special fund, which expenditures shall, from time to time, be made on warrants, drawn in the manner hereinafter provided, upon the County Treasurer, payable out of appropriate funds.

SECTION 2. In order to provide a special fund for the maintenance of said Library there shall be taxed as costs the sum of 75c in each civil or quasi civil action at law, suit in equity, criminal case, quasi criminal case proceedings of a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment of conviction in any Inferior or Municipal Court to the DeKalb County Superior Court or Circuit Court hereinafter filed in, arising in or brought by appeal, certiorari or otherwise to the DeKalb County Superior Court or Circuit Court of DeKalb County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said Courts or the Register in Chancery thereof, as the case may be, and shall be paid to the Treasurer of DeKalb County, Alabama.

SECTION 3. There shall also be taxed as costs the sum of twenty-five cents in each criminal or civil case hereinafter filed in the DeKalb County Inferior Court of DeKalb County, Alabama,

which costs shall be collected as other costs in such cases are collected and when collected by the Judge of said Court shall be paid by him to the Treasurer of DeKalb County, Alabama.

SECTION 4. The sums herein provided to be paid to the Treasurer of DeKalb County, Alabama, shall be kept by him in a separate fund designated as "DeKalb County Law Library Fund," and shall be expended by the presiding Judge of the Circuit Court of DeKalb County, Alabama, for maintaining said Law Library. Said presiding Judge shall draw warrants on the Treasurer of DeKalb County for expenditures as hereinafter provided indicating on the warrants the funds against which the warrants are drawn.

SECTION 5. The management of said Law Library is vested in the presiding Judge of the DeKalb County Circuit Court, the Judge of the DeKalb County Superior Court, and the president of the DeKalb County Bar Association and the presiding Judge of the DeKalb County Circuit Court shall be the presiding officer over the meetings of the Library management committee herein provided, and such committee shall have full authority to purchase such books and periodicals and pay the salaries of such personnel as may, in the opinion of said committee, be advisable. The committee may from time to time sell or exchange any books, reports, periodicals and personal property, and apply the proceeds of the sale thereof, or the value thereof, upon the purchase of other books, reports, periodicals and personal property for use in said library, and said committee may accept any gift or loan of any books, reports, periodicals and property for public use in said library upon such terms and conditions as may be stipulated by the Donor or lender thereof, as may be agreeable to the said committee. The Committee may employ such personnel as may be necessary or proper to operate said library and to the extent that circumstances permit, may designate any court officials to operate the same or to assist therein.

SECTION 6. The Library management committee as provided herein shall have full authority to execute any and all contracts in connection with the operation of said law library and may purchase books and periodicals on such terms as the Committee may deem expedient and in the best interest of the Law Library in order to adequately equip such law library and such contracts shall be a proper charge against the law library fund of DeKalb County only, and shall not be an obligation of the Committee.

SECTION 7. The said items of cost above referred to shall be designated in said respective courts as "Law Library Fee", and when any part of the costs in such a case or proceedings shall have been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of cost on or before the 10th day of each month, the Clerks of the respective courts and the Judge of the

DeKalb County Inferior Court and the Register in Chancery shall pay to the said County Treasurer the amounts collected for said Law Library fees, previous to the first day of the month.

SECTION 8. All books, periodicals and property of the DeKalb County Law Library shall be the property of DeKalb County, Alabama.

SECTION 9. If any sentence, clause, provision or section of this Act be declared to be invalid, the invalidity thereof shall not effect the validity of any other portion or provision of this act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any portion thereof.

SECTION 10. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:17 A. M.

Act No. 145

H. 478—Albea, Merrill

AN ACT

To amend Sections 19 and 22 of Act No. 608, H. 700, approved September 4, 1951 (Acts of Alabama, 1951, p. 1045), entitled "An Act Relating to the City of Anniston: To establish a Policemen's and Firemen's Retirement Fund; providing for the resources, management and administration of the Fund, including the payment into the fund by electric, gas, telephone, telegraph and bus transportation public utilities of a license tax equal to one-half of one per cent of the gross revenue of such utilities derived from services rendered within the corporate limits and police jurisdiction of the city; and for the transfer of all monies or property of any similar fund to it; creating a Board of Trustees of the Policemen's and Firemen's Retirement Fund and providing for its organization, powers, duties and functions; providing for the retirement of and payment of benefits to members of the police and fire departments and their dependents and survivors; providing for the payment of disability benefits to disabled members of the police and fire departments; providing for appeals from final decisions of the Board of Trustees; and repealing Act No. 365, H. 601, approved July 6, 1945 (General Acts of Alabama, 1945, p. 581) and all other conflicting laws," by providing further for the amount of retirement benefits payable to such firemen and policemen; by providing further for the payment of pensions to the surviving widows of retired members of the police and fire departments; and giving the amendment retroactive effect as to the payment of pensions to the surviving widows of such retired members of the police and fire departments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 19 of Act No. 608, H. 700, approved September 4, 1951 (Acts of Alabama, 1951, p. 1045), entitled "An Act Relating to the City of Anniston: To establish a Policemen's and Firemen's Retirement Fund; providing for the resources, manage-

ment and administration of the Fund, including the payment into the fund by electric, gas, telephone, telegraph and bus transportation public utilities of a license tax equal to one-half of one per cent of the gross revenue of such utilities derived from services rendered within the corporate limits and police jurisdiction of the city; and for the transfer of all monies or property of any similar fund to it; creating a Board of Trustees of the Policemen's and Firemen's Retirement Fund and providing for its organization, powers, duties and functions; providing for the retirement of and payment of benefits to members of the police and fire departments and their dependents and survivors; providing for the payment of disability benefits to disabled members of the police and fire departments; providing for appeals from final decisions of the Board of Trustees; and repealing Act No. 365, H. 601, approved July 6, 1945 (General Acts of Alabama, 1945, p. 581) and all other conflicting laws," is amended to read as follows:

"Section 19. All retirement pay provided for in this Act shall be fixed as follows, unless otherwise provided for in this Act: All firemen and patrolmen of a class up to and including those of the first class, upon retirement as provided herein, shall receive sixty-five per cent (65%) per month of the monthly salary being paid to active firemen and patrolmen of the same class, not to exceed one hundred fifty dollars (\$150.00) per month. All higher salaried members of the police and fire departments, upon retirement as provided herein, shall receive sixty-five per cent (65%) of the regular monthly salary being paid to active members of said department in the same class, but no such member shall receive a pension in excess of twenty-five dollars (\$25.00) per month more than members of the first class in their department. The monthly pay of all pensioners shall be based on the current salary of active members of their departments, subject to the limitations set out herein."

Section 2. Section 22 of said Act No. 608 is amended to read as follows:

"Section 22. a) If any active member of the police or fire department shall die from any cause and leaves surviving a widow, the Board shall direct the payment to the widow of a monthly pension equal to fifty per cent of the amount such deceased member would have been entitled to receive if he had been permanently disabled for service, so long as the widow does not remarry. If such deceased member leaves no widow surviving or if the widow remarries, and if he leaves a surviving child or children under the age of eighteen years, the Board shall direct the payment to the legal guardian of such child or children who are under the age of eighteen years of a monthly pension equal to twenty-five per cent of the amount such deceased member would have been entitled to receive if he had been permanently disabled for service for the use and benefit of such child or children; provided,

that no pension shall be paid for the use and benefit of any child after he attains the age of eighteen years, and provided further that the amount of benefits paid to surviving children shall not in any case exceed twenty-five per cent of the amount the deceased member would have been entitled to receive if he had been permanently disabled for service, regardless of the number of surviving children. Should such deceased member leave surviving no widow or minor child or children, but leave surviving a widowed mother who is dependent upon him for her chief support, the Board shall direct the payment to her of a monthly pension equal to thirty per cent of the amount such deceased member would have been entitled to receive if he had been permanently disabled for service, so long as she does not remarry.

"b) If a retired member of the police or fire department dies from any cause and leaves surviving a widow, the Board shall direct the payment to the widow of a monthly pension equal to fifty per cent of the amount of the pension being paid to such member at the time of his death, so long as she does not remarry.

"c) All persons retired or covered under the provisions of this Act, and their dependents or survivors, shall receive the benefits provided under this Act, as amended.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall be applicable to the amount of retirement benefits hereafter payable to all retired members of the Anniston police or fire department and the amount of any pension hereafter payable to the surviving widow or children of any active or retired member of the Anniston police or fire department. The provisions of this Act shall be retroactive as to any pension heretofore paid to the surviving widow of any active or retired member of the Anniston police or fire department which payment is hereby validated and confirmed.

Approved September 21, 1959.

Time: 8:18 A. M.

Act No. 146

H. 482—Martin

AN ACT

For the relief of D. M. Taylor of Marengo County; authorizing the court of county commissioners, board of revenue, or other like governing body of Greene County to make an appropriation of county funds to compensate D. M. Taylor for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Greene County is hereby authorized and empowered to appropriate from any funds in the

county treasury not otherwise appropriated the sum of Seventy Six & 51/100 dollars (\$76.51) for the relief of D. M. Taylor of Marengo County, to compensate him for damages sustained as a result of a motor vehicle accident involving a mowing machine owned by Greene County and being operated on a public road in the county at the time by an employee of the county, which accident occurred under such circumstances that the county is justly obligated to pay the damages but the said D. M. Taylor has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:19 A. M.

Act No. 147

H. 483—Martin

AN ACT

To amend Section 9 of the act of June 19, 1947 entitled "An Act relating to privilege licenses: levying an additional tax upon sellers of malt or brewed beverages who are engaged in that business in Greene County; providing for the assessment, collection, and distribution of the proceeds of the tax; defining violations of the Act and prescribing penalties therefor" (Act No. 10, H. 43, Local Acts, 1947 Regular Session, p. 1).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of the act of June 19, 1947 entitled "An Act relating to privilege licenses: levying an additional tax upon sellers of malt or brewed beverages who are engaged in that business in Greene County; providing for the assessment, collection, and distribution of the proceeds of the tax; defining violations of the Act and prescribing penalties therefor" (Act No. 10, H. 43, Local Acts, 1947 Regular Session, p. 1) is amended to read as follows:

"Section 9. The license tax imposed by this Act shall be paid to the probate judge, and the proceeds shall be distributed by him as follows: three-fifths to the general fund of the county; one-fifth to the county board of education; and one-fifth prorated among the municipalities within the county upon the basis of their respective populations according to the Federal Census. For such services, the probate judge shall be entitled to commissions of two and one-half per cent (2½%) of all taxes collected."

Section 2. This Act shall become effective on the first day of OCTOBER, 1959.

Approved September 21, 1959.

Time: 8:20 A. M.

Act No. 148

H. 484—Solomon, Chambers

AN ACT

To provide for the appointment of an additional deputy, clerk or other assistant, by the sheriff of Henry County, and to provide for the payment of his compensation by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Henry County may in his discretion appoint a deputy, clerk, or other assistant, in addition to the deputies, clerks, jailers, or other assistants now provided for by law. And the sheriff may, with the approval of the court of county commissioners, board of revenue, or other like governing body of the county, fix the compensation of such additional deputy, clerk, or other assistant, at not less than one hundred seventy-five nor more than two hundred fifty dollars a month, which shall be paid from the county treasury on warrants drawn in the manner prescribed by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:21 A. M.

Act No. 149

H. 485—Solomon, Chambers

AN ACT

To provide secretarial and clerical assistance for the clerk of the circuit court of Henry County.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of Henry County may appoint and employ a secretary or other clerical assistants to aid and assist him in the performance of his duties, and the compensation of such secretary or other person so appointed, to the extent of one hundred twenty-five dollars (\$125.00) a month shall be paid from the fine and forfeiture fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:22 A. M.

Act No. 150

H. 486—Solomon, Chambers

AN ACT

To provide further for the payment of expenses incurred by the sheriff of Henry County in the performance of his duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any expenses incurred by the sheriff of Henry County in the performance of the duties of his office up to but not exceeding one hundred dollars (\$100.00) a month shall be paid from the fine and forfeiture fund of the county on claims made and filed in the manner prescribed by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. The provisions of this Act are cumulative and shall not be considered a repeal of any law, general, special, or local.

Approved September 21, 1959.

Time: 8:23 A. M.

Act No. 151

H. 492—Rogers

AN ACT

Relating to Macon County; amending further Act No. 334, H. 826, enacted September 12, 1939 (Local Acts of 1939, p. 225), which created and established the Board of Revenue of Macon County, by providing further for the compensation of the members of such board; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10, as amended, of Act No. 334, H. 826, enacted September 12, 1939 (Local Acts of 1939, p. 225), the act which created and established the Board of Revenue of Macon County, is amended further to read as follows:

“The members of the Board of Revenue, including the chairman, shall each be entitled to receive a monthly salary of two hundred fifty dollars for the performance of their duties, to be paid out of the county treasury on the certificate or warrant of the chairman.”

Section 2. All laws or parts of laws in conflict with this Act are repealed. Section 10 of Act No. 50, H. 79, approved October 5, 1920 (General and Local Acts, Special Session, 1920, p. 176) is expressly repealed.

Approved September 21, 1959.

Time: 8:24 A. M.

Act No. 152

H. 497—Pierce, Bailey, Goodwyn,
Goldthwaite

AN ACT

Relating to Montgomery County: To require locksmiths to obtain annual permits to engage in such business, occupation or trade and as a prerequisite to obtaining such permits to post bonds for themselves and all assistants, helpers or apprentices employed by them, such bonds to be approved by and filed with the sheriff of the county, who shall issue the permits; to prescribe the fee for issuing such permits and provide for the payment thereof into the county treasury; and to prescribe penalties for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person desiring to engage in Montgomery County in the business, occupation or trade of a locksmith shall obtain from the sheriff of Montgomery County a permit or license to engage in such business, occupation or trade. Every application for a permit or license to engage in such business, occupation or trade shall be in writing, signed by the applicant and sworn to before the sheriff or some officer authorized by law to administer oaths. The applicant shall state in the application for the permit the name under which such business will be conducted, the address of the principal place of such business and the names, addresses and such other identifying information, as the sheriff may require, of each assistant, helper or apprentice employed in such business; that he will have sole personal charge and management of said business; that he has never been convicted of an offense involving moral turpitude; that to his best knowledge and belief no assistant, helper, or apprentice employed in such business has ever been convicted of any such offense; that he will take reasonable precautions to assure that any assistant, helper or apprentice hereafter employed by him shall be a person who has never been convicted of any such offense; that he will promptly notify the sheriff of any change in the personnel employed in such business and that when and as additional assistants, helpers or apprentices are employed the sheriff will be notified and such bonds as are required herein below will be filed. The application shall be accompanied by a bond, signed by the applicant as principal and also a separate bond signed by each assistant, helper or apprentice as principal. Each of these bonds shall be signed either by a surety company or by two individuals as sureties and approved by the sheriff. The bond of the applicant shall be in the penal sum of two thousand dollars and the bonds of the assistants, helpers or apprentices shall each be in the penal sum of one thousand dollars. Each of these bonds shall be payable to Montgomery County and shall be conditioned that the principal therein shall honestly and in a skillful and workmanlike manner conduct the business, occupation or trade in which he is engaged and will not knowingly be a party to, nor lend assistance to, any unlawful entry or opening of a locked

house, room, office, safe, vault, or other locked building or container. The fee for issuing the permit shall be one dollar which shall be paid into the county treasury. The permit shall expire on September thirtieth, the end of the fiscal year for which it is issued.

Section 2. Permits shall be issued in duplicate. The original thereof shall be delivered to the licensee and the duplicate copy thereof and all applications for such licenses and bonds filed in connection therewith shall be retained by the sheriff.

Section 3. Any person who engages in Montgomery County in the business, occupation or trade of a locksmith without having a valid permit therefor or who, having a valid permit, fails to report any changes in the personnel employed by him or to file additional bonds for new employees as required by this Act and any person who is employed as an assistant, helper or apprentice by a locksmith who fails to give bond as required by this Act is guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars, or shall be imprisoned in the county jail at hard labor, for not more than six months, or may be both so fined and imprisoned.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:25 A. M.

Act No. 153

H. 499—Jenkins

AN ACT

To provide further for the purging the lists of registered voters in Randolph County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Randolph County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified

from voting in Randolph County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1960. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of January, 1960, the board of registrars of Randolph County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 day session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein. No voter shall appear and reidentify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this Act; but if such special session is held on the same day a regular session is required to be held under the laws of this State, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this Act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars in the beat in which he resides, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in January 1960, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside of Randolph County, Alabama, during the period of time from the effective date hereof to January 1, 1960.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least 10 days prior to the election at which he offers to vote; provided, further however, that this Act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, who is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Randolph County, Alabama, during the period of time from the effective date hereof to January 1, 1960.

Section 8. The court of county commissioners of Randolph County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Randolph County, Alabama

Date _____, 195____

Name _____

First Middle Last

Legal Residence Address _____

Street

City or Town _____

State _____

Date of Birth _____ Sex _____ Color _____

I now vote and I am a qualified elector in precinct or Beat No. _____, Box No. _____, Randolph County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other State in the United States.

I have resided in Precinct or Beat No. _____ for the past three months.

Signed _____

Signature of Voter

Sworn to and subscribed before me this _____ day of _____, 19____.

Registrar—Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in re-identifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approved by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:26 A. M.

Act No. 154

H. 506—Adams (Houston)

AN ACT

To amend further Act No. 273, S. 292, approved August 7, 1947 (1947 Local Acts, p. 196), which is designated "The Civil Service Act of Dothan."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 273, S. 292, approved August 7, 1947 (1947 Local Acts, p. 196), which is designated "The Civil Service Act of Dothan," is amended to read as follows:

"Section 2. DEFINITIONS. The following words, terms and phrases, wherever used in this Act, shall have the meaning respectively ascribed to them in this Section, unless the context plainly indicates a different meaning: 'Masculine Gender' shall comprehend all other genders; 'Committee' means the Citizens Supervisory Committee herein created; 'Board' means the Personnel Board herein authorized; 'Director' means the Personnel Director herein created; 'Appointing Authority' means a Department Head; 'Employee' means a person in the Classified Service herein set up and appointed by the Appointing Authority, unless herein expressly excepted; 'Classified Service' includes all offices, positions and employment in the City of Dothan as these offices, positions and employment now or may hereafter exist, the holders of which are paid whether by salary, wages or fees, in whole or in part from funds of the city, except those expressly placed in the 'Unclassified Service'; 'Employment Register' means typewritten lists containing the names of those applicants who have successfully passed mental tests for initial employment within the Classified Service for any specific position and which names are listed in the order of final grades attained on such tests from the highest grade attained to the lowest grade attained; 'Roster' means a typewritten list showing the names of persons employed in the Classified Service by Departments and the position occupied by each employee concerned; 'Tests' means written, oral or other methods of evaluation established by the Board or Director, to determine the merit, aptitude, knowledge of the job and general qualifications, other than physical, of applicants to fill initial positions within the Classified Service, or for the promotion of those Classified Employees presently assigned, to higher positions within the Classified Service, or for the purpose of reclassification or transfer of such employees into new or existing positions within the Classified Service; 'Public Hearings' means a meeting of the Board open to the public, where any citizen, taxpayer or other interested party may appear and be heard, subject to the duly adopted Rules and Regulations; 'Public Record' means a record which the members of the Public shall have the right to inspect, within reason and during ordinary business hours; 'Department Head' means the party in charge of any department,

division or branch of the City government or service; 'Rules and Regulations' means a prescribed course of procedure adopted by the Board to promote the administration of the Provisions of this Act and the System hereby created; 'Promotional Register' means typewritten lists containing the names of those Classified Employees, presently assigned, who have successfully passed mental tests for promotion to higher positions within the Classified Service and which names are listed in the order of final grades attained on such tests from the highest grade attained to the lowest grade attained; and 'Examinations' means physical fitness evaluation to include Annual or other Physical Examinations, Physical Fitness Examinations, Final Physical Examinations or any other type of Physical Examinations as prescribed by the Personnel Board or the Director to determine the physical fitness of initial applicants for employment within the Classified Service and the physical fitness of Classified Employees now assigned, to qualify physically for the positions they now occupy or expect to occupy within the Classified Service."

Section 2. Section 6 of said Act No. 273, S. 292, approved August 7, 1947, is amended to read as follows:

"Section 6. CITIZENS SUPERVISORY COMMITTEE. The membership of the Citizens Supervisory Committee shall consist of qualified electors in the City of Dothan, who, upon the passage of this Act, are respectively the current president and the immediate past president or other chief executive officers by whatever name called, of the following respective organizations, associations, groups and unions, now existing in the City, and generally known as: (a) Chamber of Commerce, (b) Junior Chamber of Commerce, (c) Kiwanis Club, (d) Rotary Club, (e) Exchange Club, (f) Dothan Chapter of Alabama Federation of Women's Clubs, (g) Business and Professional Women's Club, (h) Dothan Parent and Teacher Association Council, (i) Pilot Club, (j) Lions Club, (k) Civitan Club, (l) Seroptomist Club, and (m) League of Business and Professional Women. The organizational or first meeting of the Committee shall be held one week from the day this Act became effective, at the City Hall, at eleven o'clock a.m. The failure of any one or more of those hereinabove designated to present themselves for membership on said Committee shall not affect the right of the remainder to constitute the initial membership unless there be less than five present. The committee shall designate one of its own members as chairman, and he shall be permitted to vote only in the case of a tie. The proposed members of the Committee present, in the event less than five members attend the organizational meeting, shall adjourn the meeting and call a second organizational meeting at a time and place to be then determined, in no event beyond five days. The designated Members of the Committee shall have the right, respectively, to serve as Members of the Committee during the period which such members hold the position of chief executive in the respective

organization, association, group or union, above identified. Any citizen of Dothan, at any time subsequent to the adjournment of the effective organizational meeting, may file with the Chairman of the Committee written objections to the right of any person to sit on the Committee, however, no grounds of objections shall be considered except those based on the ground that the person objected to is not the executive officer of one of the identified organizations, associations, groups or unions, and therefore not lawfully authorized to serve on the Committee. The chairman shall rule upon the objections in writing and the first order of business at the next meeting of the Committee shall be a report by the chairman of the objection and his ruling thereon. His rulings shall be final unless the objecting party within five days duly appeals to the Committee, in which event the seated members shall upon a hearing of the objection, after notice is duly given to the objecting party and the party objected to, determine the qualifications of the party objected to. The vote of a majority of the members of the Committee present shall govern in all matters if a quorum be present. The Committee may adopt, from time to time, such Rules and Regulations and modes of procedure as it deems expedient to enable it to dispatch its business in an orderly manner. The chairman may call upon the Chief of Police of the City to attend the meetings of the Committee and preserve order and execute the decisions, rules and orders of the Committee and of the chairman thereof. The chairman may punish for contempt of the Committee in like manner and extent as may be done by the Judges of the Circuit Courts of this State. The Personnel Director, when selected, shall act as secretary and such secretary shall be the keeper and custodian of the minutes, records, property and paraphernalia of the Committee, and he may call upon the Personnel Board to furnish such supplies and a safe place for keeping the records and property. The expense and costs of giving notice of meetings shall be paid in the manner provided in this Act. The Committee shall meet within ten days after the organizational meeting to do all things necessary and proper to put into effect and operation the provisions of this Act, and thereafter the Committee shall meet in regular session at ten o'clock a.m. on the second Wednesday in each of the months of January, April, July and October, to receive an annual report of the Personnel Board and to make such recommendations to the Board as it shall deem in the interest of the sound administration of this Act, to elect a successor of any member of the Personnel Board whose term of office expires before the next annual meeting of the Committee, and to transact such other business as may properly come before the Committee. The Chairman of the Committee or any five members thereof may call special meetings of the Committee to transact any business which may have arisen. All meetings shall be held at the City Hall, or some other public meeting place designated by the chairman. Notice of all call-

meetings of the Committee shall be given by registered mail and by publication, in some daily newspaper published within the City, once each day for three consecutive days immediately preceding such meeting; such notice must be signed by the persons calling the meeting and the purposes thereof shall be briefly outlined. Notice of the annual meeting shall be given in like manner, but failure of any member to receive notice of any meeting, either annual or special, shall not invalidate any act of the Committee transacted at such meeting. A majority of the persons serving as members of the Committee shall constitute a quorum to do business, but less than that number may adjourn, and may compel the attendance of the absent members, in such manner and under such penalties as may be prescribed by the Rules and Regulations promulgated by the Committee. The Committee shall serve without compensation and shall have general supervisory control of the finances of the Personnel Department."

Section 3. Section 9 of said Act No. 273, S. 292, approved August 7, 1947, is amended to read as follows:

"Section 9. PERSONNEL DIRECTOR. The Personnel Director shall be elected or appointed by the Personnel Board and he shall serve at the pleasure of the said Board; he shall be: (a) over twenty-one years of age, (b) of recognized good character and administrative ability, and (c) a bona fide resident of Dothan. The salary of the Personnel Director shall be fixed by the Personnel Board. The Director shall have power and authority and it shall be his duty to; (a) direct and supervise the administrative and technical activities of the department; (b) appoint from the Employment Register, with the approval of the Board, such employees and special assistants as may be necessary to effectively organize the Department and the System herein created; (c) attend all meetings of the Board and provide for recording its official acts; (d) prepare and recommend Rules and Regulations for the administration of the provisions of this Act; (e) recommend and on its adoption establish, administer and execute a plan for a Classified Service in the City of Dothan; (f) submit to the Board a Compensation Plan for all positions in the Classified Service; (g) Conduct Tests, formulate Employment Registers and certify names of persons qualified for appointment under the Classified Service; (h) devise and administer an Employment Service Rating; (i) examine all payrolls or other compensation for personnel service, within the Classified Service, and to disapprove from time to time, any compensation which is not in line with the Compensation Plan adopted by the Board; (j) to establish and maintain a Roster of all of the officers and employees in the Classified Service; (k) make reasonable investigations pertaining to personnel, salary scales and employment conditions in the Classified Service as may be requested by the Board, the Citizens Supervisory Committee or by the Governing Body of the City; (l) make investigations concerning the administration and

effect of this Act, the Rules and Regulations made thereunder and to report his findings and recommendations to the Board; (m) make at least one comprehensive annual report to the Board, which shall include the Efficiency Rating of each person employed under the Classified Service; and (n) perform any other act or acts required of him under provisions of this Act, by the Personnel Board or by the Citizens Supervisory Committee, which may be necessary or proper to carry into effect the purposes and objectives of this Act."

Section 4. Section 10 of said Act No. 273, S. 292, approved August 7, 1947, is amended to read as follows:

"Section 10. RULES AND REGULATIONS. No Rule or Regulation shall be adopted by the Board unless it is proposed at a prior meeting and public notice thereof given by posting a copy of same for ten days within the vestibule of the City Hall and any citizen or taxpayer in the City of Dothan may appear before the Board and advocate or protest the adoption of such Rule or Regulation. The scope of all Rules and Regulations shall be: (a) to provide a method for administering the Classification Service and the Compensation Plan, adopted by the Board; (b) to establish, maintain, consolidate and cancel Personnel lists; (c) to provide a system for receiving, accepting or rejecting applications for tests; (d) to prescribe the manner of giving tests, grading papers and otherwise determining the qualifications of applications for rating under the Classified Service; (e) pertaining to the adoption and application of a Service Rating System; (f) pertaining to uniform recommendations as to working conditions, hours of employment, leaves of absence and vacations of employees in the Classified Service; and (g) the order and manner in which suspension from service may be applied to persons in the Classified Service. All Rules and Regulations, duly adopted by the Board, if not inconsistent with the provisions of this Act, shall have the force and effect of law and shall become effective when a copy thereof is recorded in the office of the Clerk of the City."

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 21, 1959.

Time: 8:27 A. M.

Act No. 155

H. 507—Gilchrist, Brewer

AN ACT

To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Beginning at a point on the city limit line at the Southeast corner of Lot 16, Wilder Place, as shown by map or plat of record in the office of the Judge of Probate of Morgan County, Alabama; thence northerly along the East line of said Lot 16, 170 feet; thence West parallel with the South line of said Lot 16, 625.9 feet, more or less, to the West line of said Lot 16; thence North along the dividing lines between Lots 16 and 17 and Lots 8 and 9 of said Wilder Place Subdivision and the extension of said line to the North line of 8th Street S. E.; thence West along the North line of 8th Street S. E., to a point on the present city limit line of the City of Decatur on the East margin of 21st Avenue S. E.; thence South along the existing city limit line of the City of Decatur to a point in Harrison Street S. E., where the city limit line of the City of Decatur turns East; thence East along the present City limit line of the City of Decatur and along the South lines of Lots 19, 18, 17 and 16 of said Wilder Place Subdivision to the point of beginning.

SECTION 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved September 21, 1959.

Time: 8:28 A. M.

Act No. 156

H. 88—Goodwyn

AN ACT

To amend further Section 460 of Title 51, Code of Alabama 1940, in relation to the amount of the annual privilege license payable by attorneys.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 460, as amended, is amended further to read as follows:

"Section 460. Each attorney engaged in the practice of law shall pay an annual license of forty dollars to the state, but none to the county. If such business is conducted as a firm or as a corporation in which more than one lawyer is engaged, each lawyer shall pay such license; but no lawyer shall be required to pay a license until the first day of October following the expiration of two years from his admission to the bar. The funds collected for the issuance of the license herein levied shall constitute a separate fund to be disbursed by the comptroller on the order of the board of commissioners of the Alabama state bar. As soon after the first day of each year as practicable the state treasurer shall certify to

the secretary of the board of commissioners of the Alabama state bar the names of attorneys who have paid such license fee, and the judge of probate of each county shall certify to the presiding judge of the circuit court having jurisdiction in such county the names of attorneys who have paid such license fee."

Section 2. This Act shall take effect October 1, 1959.

Approved September 22, 1959.

Time: 4:00 P. M.

Act No. 157

H. J. R. 62—Cates, Harvey

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That we extend warm thanks and grateful appreciation to our hosts of Tuesday evening, September 9, the Alabama Cattlemen's Association, and to the officers and members thereof, for the delectable barbecued beef and garnishments provided us, and for the delightful and enjoyable entertainment furnished on that gala occasion.

Approved September 23, 1959.

Time: 2:30 P. M.

Act No. 158

S. J. R. 21—Crawford

SENATE JOINT RESOLUTION

WHEREAS, Senate Joint Resolution No. 6, creating a special joint committee to study mental health problems has heretofore been passed, and

WHEREAS, under the terms of said Resolution, said committee was to make its report to the two houses within five legislative days after the reconvening of the regular session on August 25, and

WHEREAS, the heavy work load of said committee together with the voluminous documents and witnesses received by said committee has made it impracticable for the report to be filed within five legislative days after August 25, and it is necessary and desirable that said committee be given additional time in which to make its report.

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both houses concurring, that the time within which said committee is to make its report is hereby extended to the tenth legislative day after August 25.

Approved September 23, 1959.

Time: 2:31 P. M.

AN ACT

To amend Title 12, Section 4, Code of Alabama, 1940, as amended, pertaining to reports and remittances by tax collectors.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 12, Section 4, Code of Alabama, 1940, be amended so as to read as follows:

“Section 4. County depositories.—Upon the application of the county tax collectors, county treasurers, probate judges, circuit court clerks, or registers of the circuit court, it shall be the duty of the court of county commissioners, boards of revenue, or other like governing body of the county to appoint a bank or trust company as a depository in which such officers may deposit monies coming into their hands as such officers; which appointment shall be by proper resolutions spread upon the minutes of such court, board of revenue or other governing body. Such court shall from time to time by resolution spread upon its minutes, make such requirements as may be deemed necessary for the safety of such funds so deposited, not inconsistent with the general laws of the state.

Upon the application of the custodian of county school funds it shall be the duty of the county board of education of the county to appoint a bank or trust company as a depository in which such officers may deposit monies coming into their hands as such officers; which appointment shall be by proper resolutions spread upon the minutes of such county school board. Such county school board shall from time to time by resolution spread upon its minutes, make such requirements as may be deemed necessary for the safety of such funds so deposited, not inconsistent with the general laws of the state.

If any of such funds are dissipated or lost by reason of the insolvency or failure of such bank or trust company appointed as such depository as provided herein, such dissipation or loss shall not constitute a liability on the official bond of such officers nor a liability on the sureties thereon.

In the event of this dissipation or loss of any of such funds because of such insolvency or failure of such depository the county and state shall have a preferred claim against such bank or trust company for the amount of such dissipation or loss.

In the event of the naming of such depository for the county tax collector of any county and the use of such depository by him such county tax collector shall make reports, distributions and remittances to the proper authorities of the funds so deposited on the fifteenth of October of each year, and on the first and fifteenth of each month thereafter until he makes his final settle-

ment for such year. Provided, however, if on the fifteenth day of any month following final settlement and before October fifteenth following, the Tax Collector has on hand collections in an amount equal to one-half of his official bond he shall make reports, distributions, and remittances to the proper authorities in like manner as now required by law, these reports, distributions and remittances to be in addition to those now required of such officer by Title 51, Section 223 of the Code of Alabama 1940.

The provisions of this section are not exclusive but cumulative and remedial, and this section shall not be construed as abolishing any other method or manner now provided by law for the making of official bonds of county officers, or handling funds of county officers coming into their hands as such officers. And provided further, that nothing herein shall relieve any public official from making official bonds as is now required by law, nor from liability thereon except as is provided by this section."

Section 2. This act shall become effective after its passage and approval of the governor on October 1, 1959.

Approved September 23, 1959.

Time: 2:32 P. M.

Act No. 160

S. J. R. 22—deGraffenried

SENATE JOINT RESOLUTION

WHEREAS, the Legislature by Joint Resolution appointed a special committee to study our state mental hospitals, as well as the need for training of mental health personnel in this state, and

WHEREAS, this joint committee has visited each of our state mental institutions observing and studying the conditions existing in each of the institutions, and

WHEREAS, approximately seventy other members of the Legislature have visited and observed the conditions in our three state mental institutions, therefore

BE IT RESOLVED BY THE LEGISLATURE that the special committee express its deep conviction that the State Superintendent, Dr. J. S. Tarwater has and is rendering outstanding and high professional service in the management of these institutions, and

BE IT FURTHER RESOLVED, that this committee extend to Dr. J. S. Tarwater, Superintendent; Dr. Partlow, Assistant Superintendent in charge of Partlow State School; Dr. Lawrence, Assistant Superintendent in charge of Bryce Hospital and Dr. Rowe, Assistant Superintendent in charge of Searcy Hospital; and the

staffs of these three institutions, its sincere commendation and congratulations on the fine and unparalleled service being rendered, and

BE IT FURTHER RESOLVED, that several copies of this resolution be transmitted to the staff of said hospitals.

Approved September 23, 1959.

Time: 2:33 P. M.

Act No. 161

S. 25—Golson

AN ACT

Relating to the public schools of Lowndes County; authorizing the county board of education to impose and provide for the collection of tuition charges or fees for the attendance of pupils at such schools.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of education of Lowndes County may in its discretion impose a tuition charge or fee of not less than ten nor more than twenty-five dollars a year for each pupil who attends a county school, and may make such reasonable rules and regulations as may be necessary to provide for the collection of the charges imposed under this Act from the parents or guardians of pupils. The board may make reasonable classifications of pupils, by grade, age, or otherwise, for the imposition of tuition charges, and may also promulgate reasonable rules prescribing the conditions under which certain classes of pupils may be exempted from the tuition charge.

Section 2. All proceeds derived from tuition charges imposed and collected under this Act shall be used by the county board of education for the construction, enlargement, or improvement of school buildings within the county, and for other county educational purposes.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1959.

Time: 2:34 P. M.

Act No. 162

S. 226—deGraffenried

AN ACT

To alter, rearrange, and extend the boundary line of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Tuscaloosa, Tuscaloosa County, Alabama, be changed and extended to include the following territory:

As a point of beginning start at the Northwest corner of Section 33, Township 21 South, Range 9 West, said point being on the present city limit of the city of Tuscaloosa; thence Southwardly along the West line of said Section 33 for a distance of 265.5 feet to a point; thence Eastwardly and parallel to the North boundary of said Section 33 for a distance of 420 feet to a point; thence Southwardly and parallel to the West boundary of said Section 33 for a distance of 420 feet to a point; thence Eastwardly and parallel to the North boundary of said Section 33 for a distance of 922 feet to a point on the East boundary of the Northwest Quarter of the Northwest Quarter of said Section 33; thence Southwardly along the East boundary of said Northwest quarter of the Northwest Quarter for a distance of 510.0 feet to a point; thence Westwardly and parallel to the South boundary of said Northwest Quarter of the Northwest Quarter to a point on the West boundary of said Section 33; thence Southwardly along the West boundary of said Section 33 for a distance of 175 feet to the Southwest corner of said Northwest Quarter of the Northwest Quarter thence continue Southwardly along the West boundary of said Section 33 to the Southwest corner of the Northwest Quarter of said Section 33; thence Eastwardly along the South boundary of the North Half of said Section 33 to the Southeast corner of the Northeast Quarter of said Section 33; thence Northwardly along the East boundary of said Section 33 to the Northeast corner of said Section 33; thence Westwardly along the North boundary of said Section 33 to the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 33; thence Northwardly along the East boundary of the Southwest Quarter of the Southeast Quarter of Section 28, Township 21 South, Range 9 West, to the Northeast corner of said Southwest Quarter of the Southeast Quarter; thence Westwardly along the North boundary of said Southwest Quarter of the Southeast Quarter and the North boundary of the Southeast Quarter of the Southwest Quarter and the North boundary of the Southwest Quarter of the Southwest Quarter all in said Section 28 to the Northwest corner of said Southwest Quarter of the Southwest Quarter; thence Southwardly along the West boundary of said Section 28 to the point of beginning.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 23, 1959.

Time: 2:38 P. M.

Act No. 163

H. 309—Taylor, Glass

AN ACT

To provide additional compensation for the register of the circuit court of Butler County, to be paid from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The register of the circuit court of Butler County shall receive an annual salary of ONE THOUSAND EIGHT HUNDRED AND NO/100 dollars in addition to all other compensation provided by law. Such salary shall be paid in equal monthly installments from the general fund of the county, in the same manner as the salary of the chief deputy sheriff is paid.

Section 2. This Act shall become effective on the first day of the month next succeeding the month during which there is adopted an amendment to the Constitution relative to the authority of the Legislature to regulate the compensation of the register of the circuit court of Butler County. If such an amendment is not adopted, this Act shall have no force or effect.

Approved September 23, 1959.

Time: 2:36 P. M.

Act No. 164

H. 493—Hocklander, Murphy, Trimmier

AN ACT

To authorize and direct the Board of Revenue and Road Commissioners of Mobile County to make available to the sheriff of the county an annual allowance for the purchase of uniforms for deputies sheriff; and to regulate expenditures from such allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue and Road Commissioners of Mobile County is authorized and directed to appropriate from county funds, and to make available to the sheriff of Mobile County at the beginning of each fiscal year, an allowance of five thousand dollars (\$5,000) a year, to be used by the sheriff to purchase uniforms for the use of the deputies sheriff employed in the sher-

iff's department. The allowance authorized herein shall be subject to the direct supervision and control of the sheriff of Mobile County, and shall be expended at his discretion and in his best judgment as to the most advantageous purchases to the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1959.

Time: 2:37 P. M.

Act No. 165

H. J. R. 63—Goodwyn, Pierce, Adams
(Tallapoosa)

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING, That the attached Biennial Report of the Sixth Legislative Council be accepted by the Legislature as a compliance with Act No. 152, Regular Session 1945; that the Clerk be ordered to file the same with the legislative papers and documents of this Session; and that 500 copies thereof be ordered printed as a legislative document for distribution to the public.

Approved September 23, 1959.

Time: 2:39 P. M.

Act No. 166

H. J. R. 64—Ferguson, Sullivan, Pruitt, Hankins, Bishop, Branyon, Roberts, Self, Cates, Speaks, Gross, Meade, Adams (Tallapoosa), Turner, Hardy, Cabiness, Gordon, Casey

HOUSE JOINT RESOLUTION

WHEREAS the beautiful, winsome and talented entrant from our neighboring State of Mississippi was chosen "Miss America of 1960" in the contest at Atlantic City, New Jersey on last Saturday evening, September 12; and

WHEREAS this is the second year in succession that a Mississippi beauty has won this distinction; and

WHEREAS Alabama and the whole Southland is basking in reflected glory which has inured to us because of the poise, and

graciousness with which the charming Miss Lynda Lee Mead, of Natchez, Mississippi, conducted herself during this contest and the humility with which she acknowledged this signal honor; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING:

That the Legislature of Alabama is proud of Mississippi's Miss Lynda Lee Mead, whose rare beauty, charming manner and numerous talents are so worthy of the crown bestowed on her; and hereby extends to her a cordial invitation to attend a session of the Alabama Legislature at her convenience so that she may in person receive Alabama's felicitations on her crowning and best wishes for a gala, entertaining, interesting and rewarding year as Miss America.

BE IT FURTHER RESOLVED that the judges for the 1960 Miss America contest are hereby commended for the excellent judgment they showed in selecting Miss Lynda Lee Mead as Miss America of 1960.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Miss Lynda Lee Mead of Natchez, Mississippi and a copy thereof be transmitted to the sponsors of the Miss America contest of 1960.

Approved September 23, 1959.
Time: 2:40 P. M.

Act No. 167

H. 422—Guthrie

AN ACT

Relating to Cullman County; providing further for the government of the county by abolishing the Cullman County Commission and creating in lieu thereof a board of revenue; providing for the organization, powers, duties, and authority of the board of revenue; prescribing the powers, duties, and authority of the chairman and members of the board, and providing for their election, tenure, qualifications, and compensation; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cullman County Commission created by Act No. 13, H. 5, approved February 14, 1955 (Acts of Alabama, 1955, p. 37) is hereby abolished, and there is created in lieu thereof a board of revenue. The board of revenue shall be composed of a chairman and two associate members to be elected or appointed as provided herein.

Section 2. A chairman of the board shall be elected at the general election to be held in 1960, and every four years thereafter.

The two associate members of the board shall be elected at the general election to be held in 1962, and every four years thereafter. The chairman and associate members of the board shall hold office for terms of four years each from the first Monday after the second Tuesday in January next following their election, and until their successors shall have been elected and qualified. Members of the board shall be qualified electors of the county at the time of their election or appointment, and during their continuance in office. Any vacancy on the board shall be filled by appointment by the Governor for the unexpired term. The incumbent chairman and associate members of the Cullman County Commission shall serve as chairman and associate members, respectively, of the board of revenue herein created until their successors are elected and qualified.

Section 3. The board of revenue shall have and exercise all the jurisdiction, power, and authority vested in, conferred on, or required of the Cullman County Commission, or vested in, conferred on, or required of boards of revenue, courts of county commissioners, or other like county governing bodies, under the general laws of this State. The chairman of the board of revenue shall be its chief executive officer, and shall devote his entire time to the discharge of the duties of his office. The chairman shall receive a salary of six thousand dollars (\$6,000) per annum, payable in equal monthly installments out of the county treasury, and shall be reimbursed for all necessary expenses incurred in traveling on official business for the county. The chairman of the board shall have charge of the financial affairs of the county, the preparation of the budget, the disbursement of county funds, the management of county buildings and property, and the accounting records of the county, subject to the approval of the board of revenue. The chairman shall have authority to employ such clerical assistance as the board shall prescribe. The chairman must make bond payable to the county in the sum of twenty thousand dollars (\$20,000), the premium on said bond to be paid out of the general fund of the county.

Section 4. The associate members of the board of revenue shall not be required to devote full time in the discharge of their official duties. They shall attend all meetings of the board, however, and for the performance of their duties each of them shall receive a salary of nine hundred dollars (\$900) per annum, payable in equal monthly installments out of the county treasury.

Section 5. The board of revenue shall hold regular meetings on the second and fourth Mondays of each month, and may hold special meetings at any time upon call of the chairman or the two associate members. The board shall keep, or cause to be kept, complete and accurate records or minutes of all proceedings and meetings of the board, and the vote of each member of the board on every question shall be recorded therein. The minutes of

board meetings shall be open to public inspection at all reasonable times.

Section 6. All provisions of Act No. 13, H. 5, approved February 14, 1955 (Acts of Alabama, 1955, p. 37) in conflict with this Act are, to the extent of such conflict, hereby repealed; and all other laws or parts of laws in conflict with this Act are also repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1959.

Time: 2:41 P. M.

Act No. 168

H. 237—Turner, Dodd, Reynolds (Madison),
Cates, Lee (Barbour), Grant, Dick-
son, Daniel, Nichols, Solomon,
Guthrie

AN ACT

Relating to the operation of livestock markets; to amend Section 11 of Act No. 173 (S. 18) of the Legislature of 1951 approved June 29, 1951 (Acts of 1951, Vol. 1, pages 409-415) by authorizing the Commissioner of Agriculture and Industries through appropriate legal proceedings to restrain or enjoin any person from operating a livestock market in violation of said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 11 of Act No. 173 (S. 18) of the Legislature of 1951 approved June 29, 1951 which Act regulates the operation of livestock markets is hereby amended to read as follows:

"Section 11.A. It shall be unlawful for any person to operate a livestock market without obtaining a license as required under the provisions of this Act and it shall also be unlawful for any person to operate a livestock market after the license to so operate has been revoked under the provisions of this Act. Each day's operation of a livestock market without a license shall constitute a separate violation. Any person operating a livestock market without a license shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$50.00, nor more than \$500.00, and, within the discretion of the Court may be imprisoned for a period not to exceed six (6) months. All amounts paid as fines for violations of this Act, when collected by the proper authorities, shall be transmitted to the Department and deposited in the State Treasury to the credit of the Agricultural Fund.

"B. In addition to the penalty provided hereunder and notwithstanding the existence of an adequate remedy at law, the

Commissioner of Agriculture and Industries may apply by a bill in equity to a circuit court or court of like jurisdiction and such court, or any judge thereof, shall have jurisdiction and for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from operating or continuing to operate a livestock market in violation of any of the requirements of this Act, or operating or continuing to operate a livestock market without having a license or permit required by this Act or after such license or permit has been revoked in accordance with the provisions of this Act. Bills in equity for injunctive relief as authorized hereunder must be filed in the circuit court or other court of like jurisdiction of the county in which the livestock market operating in violation of the provisions of this Act is located and any restraining order or injunction issued hereunder shall be issued without bond."

Section 2. This Act shall become effective immediately upon passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 23, 1959.

Time: 2:42 P. M.

Act No. 169

H. 238—Turner, Dodd, Reynolds (Madison),
Cates, Lee, Grant, Dickson, Daniel,
Nichols, Solomon, Guthrie

AN ACT

To regulate the weighing of livestock at public livestock markets by requiring persons operating scales on which livestock are weighed for sale purposes to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded for the faithful performance of their duties; to provide that livestock sold on the basis of weight at livestock markets must be weighed by a person holding a permit under the provisions of this act; to exempt certain persons from this Act; to prescribe liabilities and a penalty for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. No person shall operate scales upon which livestock are weighed at livestock markets where the livestock are sold upon the basis of weight unless such person obtains a permit as required under the provisions of this Act nor shall any person who operates a livestock market sell livestock for himself or others at a livestock market upon the basis of weight unless such livestock is weighed by a person holding a permit as required under the provisions of this Act. The term "livestock market" as used in this Act shall mean livestock markets which are subject to the requirements of Act No. 173 (S.18) of the Legislature of 1951, approved June 29, 1951 (Acts of 1951, pages 409-415).

Section 2. A permit to operate scales at livestock markets as required under Section 1 hereof shall be obtained from the Com-

missioner of Agriculture and Industries and such permit shall expire on September 30th following the date of issuance. A permit fee of two dollars and fifty cents (\$2.50) shall accompany each application for a permit, which fee shall be deposited into the Agricultural Fund of the State Treasury. Annual permits required hereunder shall cover the twelve month period beginning October 1 and ending September 30.

Section 3. Before the Commissioner of Agriculture and Industries is authorized to issue a permit as required hereunder the applicant for such a permit shall file with the Department of Agriculture and Industries a bond in the amount of one thousand dollars (\$1,000.00) written by a surety company qualified to do business in the State of Alabama which bond shall be payable to the State of Alabama and conditioned that the principal named therein shall faithfully and honestly perform his duties of accurately weighing livestock which are sold at livestock markets. Any person suffering a loss caused by the principal's failure to accurately weigh livestock shall have a right of action against the principal and surety of such bond; provided, however, that the aggregate liability of the surety for all such losses shall in no event exceed the amount of the bond.

Section 4. Before the Commissioner of Agriculture and Industries is authorized to issue the permit to a person operating a livestock market which permit is required by the provisions of Act No. 173 of the Legislature of 1951, approved June 29, 1951 (Acts of 1951, pages 409-415), such livestock markets shall be provided with the services of a person holding a permit under the requirements of this Act or services of a public Weighmaster as authorized under Section 5, hereof, if livestock are sold at such livestock markets upon the basis of weight and failure to have such services at each public sale shall be grounds for revoking the permit which authorizes the operation of a livestock market.

Section 5. Any person who has been duly appointed as a Public Weighmaster in accordance with the requirements of Title 2, Sections 621-631 of the Code of Alabama of 1940 shall be authorized to operate scales at livestock markets without having to comply with the provisions of this Act, and livestock markets using the services of a public weighmaster for weighing livestock sold upon the basis of weight shall not be required to have such livestock weighed by a person holding a permit as required under the provisions of this Act.

Section 6. Any person who shall operate scales at a livestock market for the purpose of weighing livestock for the purpose of sale without having a permit as required under this Act or any person holding such a permit who shall give or cause to be given false weights to be used in selling livestock or any person operating a livestock market who sells livestock upon the basis of weight

without having such livestock weighed by a person holding a permit as required under provisions of this Act shall be guilty of a misdemeanor and punished as now prescribed by law for such offense. Any person who shall give or cause to be given a false weight of livestock for sales purposes shall forfeit his permit which shall be revoked or cancelled.

Section 7. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 8. This Act shall become effective on October 1, 1959.

Approved September 23, 1959.

Time: 2:43 P. M.

Act No. 170

H. 312—Guthrie

AN ACT

To amend Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981), providing that the act shall not apply to any county having a population of not less than 47,000 nor more than 52,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30½ of the act approved September 20, 1957, regulating the practice of cosmetology (Act No. 653, H. 489, Acts 1957, Vol. II, p. 981) is hereby amended to read as follows:

“Section 30½. This Act shall not apply in:

“1. Any county having a population of 400,000 or more, according to the most recent federal decennial census;

“2. Any county having a population of not less than 28,000 nor more than 28,900, according to the most recent federal decennial census;

“3. Any county having a population of not less than 29,000 nor more than 29,350, according to the most recent federal decennial census;

“4. Any county having a population of not less than 16,000 nor more than 16,300, according to the most recent federal decennial census;

“5. Any county having a population of not less than 18,000 nor more than 18,100, according to the most recent federal decennial census;

“6. Any county having a population of not less than 29,300 nor more than 29,800, according to the most recent federal decennial census;

"7. Any county having a population of not less than 20,830 nor more than 20,840, according to the most recent federal decennial census;

"8. Any county having a population of not less than 29,400 nor more than 29,500, according to the most recent federal decennial census;

"9. Any county having a population of not less than 125,000 nor more than 225,000, according to the most recent federal decennial census;

"10. Any county having a population of not less than 47,000 nor more than 52,000, according to the most recent federal decennial census."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1959.

Time: 2:45 P. M.

Act No. 171

H. 108—Long (Perry)

AN ACT

To further amend Act No. 376, approved August 16, 1947 (General Acts of Alabama 1947, page 267) for the purpose of authorizing and empowering the board of directors of any incorporated municipal board to obtain and maintain group life, health, accident and hospitalization insurance for the benefit of certain of its officers and employees, and to provide insured retirement plans for certain of its officers and employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 376, approved August 16, 1947 (General Acts of Alabama 1947, page 267), which was amended by Act No. 146, approved February 24, 1956 (Acts of Alabama, Special Session, 1956, Volume 1, page 210), is hereby further amended to read as follows:

"The council, commission or similar governing body of each municipal corporation; the board of directors of each incorporated municipal board; the court of county commissioners, board of revenue or similar governing body of each county; the board of education of each city; the board of education of each county; and the board of trustees, board of managers, board of control or similar governing body of each state agency or institution of education, learning, training or correction, or for the delinquent, insane, sick, deaf, dumb, blind, needy, juvenile or aged, now existing or hereafter established, shall have power and authority to contract for and obtain and maintain policies of group life, health, accident and hospitalization insurance, or any one or more of them, and

shall have power and authority to contract for and obtain and maintain individual annuity contracts, retirement income policies or group annuity contracts to provide a retirement plan, for the benefit of such of the officers and employees of such municipality, incorporated municipal board, county, board, agency or institution as may be determined by such governing body and as shall or may elect to accept the same, and who have authorized in writing such governing body to make deductions from their compensation to pay premiums on any such policy or policies if such premiums be payable in whole or in part by such officer or employee. The term 'insurance', as used in this Chapter 13, includes the term 'annuity', and the term 'policy' includes the term 'contract'."

Section 2. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1959.

Time: 2:46 P. M.

Act No. 172

H. 62—Torbert, Turnham

AN ACT

To increase the mileage allowance of members of courts of county commissioners, boards of revenue, and other like county governing bodies; amending further Section 28 of Title 12, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 12, Section 28, as amended by an act approved September 19, 1953, is amended further to read as follows:

"Section 28. Each member of the court of county commissioners, or board of revenue, in each of the several counties of the State of Alabama shall be paid for their services the sum of four dollars per day while occupied in the discharge of their duties as such member of the court of county commissioners or board of revenue, and ten cents per mile in going to and returning from their respective courts, and the sum of four dollars per day while occupied in the discharge of their duties in letting out, inspecting and accepting, building or repairing any of the county bridges or county buildings, roads or works, and ten cents per mile for each mile necessarily traveled by them in so doing, said sums to be paid on warrants drawn on the county treasury on the order of the court of county commissioners, or board of revenue. No allowance shall be made to any commissioner for per diem or mileage for inspecting roads, bridges, etc., except when acting under authority of an order by the commissioners court previously made. The per diem and mileage of such member for services rendered

when letting out, inspecting and accepting, building, or repairing any of the county bridges, roads or works, shall be paid out of any money in the county treasury, which shall be designated and set apart by the commissioners court, or board of revenue of their respective counties for the payment thereof. Provided, that this section shall not operate to repeal any local law affecting any county with respect to the matters contained in this section; provided further, however, that any other provisions of any general, special or local law to the contrary notwithstanding in the discretion of the court of county commissioners or board of revenue or county governing body the said per diem and mileage may be paid out of the county gasoline tax revenues when said per diem or mileage is incurred by a member while occupied in the discharge of his duties in inspecting, accepting, building, repairing or supervising any of the county roads or bridges; and provided, further, that such use of gasoline tax revenues shall be in accordance with and subject to all provisions of Title 51, section 655, Code of Alabama, 1940."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1959.
Time: 2:49 P. M.

Act No. 173

S. 115—Robison

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 10, T16N, R18E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Commencing at a point where the west right of way line of Perry Hill Road intercepts the south right of way line of U. S. Highway No. 80 (Atlanta Highway), thence S 04° 40' W along the west right of way line of Perry Hill Road a distance of 200 ft. to the point of beginning.

Thence S 77° 06' E a distance of 175 ft. to a point; thence N 04° 40' E a distance of 120.1 ft. to a point on the south right of way line of U. S. Highway No. 80; thence S 76° 30' E along the south right of way line of U. S. Highway No. 80 a distance of 135.3

ft. to a point; thence S 77° 33' E along the south right of way line of U. S. Highway No. 80 a distance of 1310.9 ft. to a point; thence southeasterly along the curve of the south right of way line of U. S. Highway No. 80, the chord being S 79° 05' E a distance of 122.4 ft. to a point; thence S 04° 09' E a distance of 340.2 ft. to a point; thence S 82° 44' E a distance of 240 ft. to a point on the east line of Sec. 10, T16, R18E; thence S 04° 09' E along the east line of Sec. 10, T16, R18E a distance of 580 ft. to a point, thence S 85° 51' W a distance of 855 ft. to a point; thence N 86° 07' W a distance of 1138.3 ft., more or less, to a point on the west right of way line of Perry Hill Road; thence northwesterly along the curve of the west right of way line of Perry Hill Road, the chord being N 18° 43' W a distance of 80 ft., more or less, to a point; thence N 21° 38' W along the west right of way line of Perry Hill Road a distance of 57.5 ft. to a point; thence northwesterly along the curve of the west right of way line of Perry Hill Road, the chord being N 09° 49' W a distance of 300 ft. more or less to a point; thence N 04° 50' E along the west right of way line of Perry Hill Road a distance of 770 ft. more or less to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 28, 1959.

Time: 11:00 A. M.

Act No. 174

S. 202—Hines, Samford, Green, Roberts, Rutledge, Dumas, Berryman, Kendall, Archer, Webb, Gaither, Godfrey, Leonard, Wyatt, Porter, deGraffenried, Graham, Robison, Jones, Cooper, Turner, Crawford, Farmer, Word, Clark, Moses, Barnett, Golson, Andrews, Wilson, Caffey and Eddins

AN ACT

To create a Commission to plan and direct the commemoration of the centennial of Alabama's part in the War Between the States, as a part of the National Centennial program, as a means of promoting a better understanding of the heroic and valorous sacrifices of the people of Alabama in this great war for principles which they believed to be true and eternal, and of providing a clearer conception of their contributions to the Confederate cause; to provide for the duties and powers of said Commission; and to make an appropriation thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. It is just and proper that the people of Alabama gratefully remembering the unsurpassed valor and sacrifice of its sons, many of whom distinguished themselves in both military

and civilian pursuits, and the unflinching devotion and sacrifices of its noble women, should participate unreservedly in the National Centennial of the War Between the States which is intended to commemorate the leaders and significant historical events in all the states and to promote a better understanding of the sacrifices of all the people and the writing of a fuller and more accurate history of the war. There is much of historical significance in Alabama during the war to be commemorated, notable the organization of the Confederate Government in Montgomery, thus making the city the first capital of the Confederacy, or the "Cradle of the Confederacy," as it has been fittingly called.

Section 2. There is hereby created The Alabama Civil War Centennial Commission to commemorate the centennial years of the state's participation in the American Civil War, hereafter referred to in this Act as the "Commission." The Commission shall be composed of twenty-three members as follows:

1. The Governor, Lieutenant Governor, Speaker of the House, Director of the State Department of Archives and History, the President of the United Daughters of the Confederacy, the President of the Sons of Confederate Veterans, the President of the Alabama Historical Association, and the heads of the departments of history of the University of Alabama and the Alabama Polytechnic Institute, or a staff member designated by them, who shall be ex officio members of the Commission. Other members shall be appointed by the Governor as follows:

- (a) One member from each Congressional District.
- (b) Five members from the state at large.

All members shall be appointed for terms to expire June thirty, nineteen hundred and sixty five, and vacancies shall be filled in the same manner as the original appointments were made. The Commission shall select five of its members to constitute an executive committee, which shall act for the Commission in the execution of its policies.

Sec. 3. The Commission shall establish an Advisory Council, to be composed of such persons from over the state as it deems to be interested in and competent to assist it in its work.

Sec. 4. It shall be the duty of the Commission:

(1) To select persons and events to be commemorated and to prepare, or assist in the preparation of, appropriate commemorative programs. In preparing its plans and programs, the Commission shall give due consideration to any plans advanced by civic, patriotic, historical bodies, and institutions of learning, and cooperate with them in all possible ways. It may designate special committees with representation from the above mentioned bodies to plan and conduct specific ceremonies.

(2) To prepare, in cooperation with the State Superintendent of Education, materials for educational programs on Alabama's part in the Civil War for the use of the common schools of the state.

(3) To encourage the location and preservation of books, documents, manuscripts, letters, memorabilia, relics, and other materials pertaining to Alabama's participation in the Civil War. For the permanent preservation of these materials, it should encourage persons and organizations to deposit them in the State Department of Archives and History, or other libraries or museums in the state that can give them adequate protection.

Sec. 5. The Commission may receive donations of money or personal services in carrying out the purposes of this Act, and it may call upon state departments or agencies for their advice and assistance in the performance of its functions and duties under this Act. Any money donated to the Commission shall be deposited in the State Treasury to the credit of the Commission.

Sec. 6. The Governor of Alabama is authorized and requested to issue proclamations inviting the people of Alabama and of the United States to participate in the observance and commemoration of significant historic events.

Sec. 7. The Commission may procure office space and supplies necessary to enable it to carry out efficiently and in the public interest the purposes of this Act.

Sec. 8. The Commission may employ, without regard to the civil service law, an executive director and such other assistants as may be required to perform the functions imposed upon it by this Act. The compensation of all such employees shall be determined by the Commission with the approval of the Governor.

Sec. 9. The members of the Commission shall serve without compensation, but may be reimbursed for their actual traveling expenses incident to the discharge of their duties as prescribed by this Act, provided that their per diem allowance shall not exceed the allowance to officers and other employees of the state while in the discharge of their duties.

Sec. 10. The chairman of the Commission, to be selected by the Commission at its first meeting, shall make an annual report of the activities of the Commission to the Governor and Legislature not later than October one of each centennial year.

Sec. 11. There is hereby appropriated to the Commission from the general funds in the State Treasury the sum of \$30,000 for each year of the biennium beginning October one, nineteen hundred and fifty nine, for the expenses and operation of the Commission. Any unexpended balance from the first year of the bien-

nium shall be available to the Commission for expenditures in the second year of the biennium.

Sec. 12. This Act shall become effective and be in force from and after its passage and approval by the Governor.

Approved September 28, 1959.

Time: 11:01 A. M.

Act No. 175

S. 268—Wyatt

AN ACT

To amend Section 1 of an act approved July 12, 1957, fixing the compensation of the coroner of St. Clair County (Act No. 131, H. 526, Acts of Alabama, Regular Session 1957, Vol. 1, p. 179).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of an act approved July 12, 1957, fixing the compensation of the coroner of St. Clair County (Act No. 131, H. 526, Acts of Alabama, Regular Session 1957, Vol. 1, p. 179) is amended to read as follows:

“Section 1. The entire compensation of the coroner of St. Clair County shall be an annual salary of twelve hundred dollars, payable in equal monthly installments, and an expense allowance of six cents (6c) per mile for each mile travelled in connection with the performance of any official duties which he is called upon to perform by any law enforcement Officer, the judge of court of record or the circuit or county solicitor. Such salary and expense allowance shall be paid out of the general fund in the county treasury, and shall be in lieu of all fees, allowances and other remuneration allowable or payable to coroners for the performance of their official duties.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 28, 1959.

Time: 11:03 A. M.

Act No. 176

S. 272—Robison

AN ACT

To provide for the establishment and administration of a retirement system; to provide retirement allowances and other benefits for certain employees of the County of Montgomery.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Definitions—The following words and phrases

as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Pension System" shall mean the Montgomery County Employees' Retirement System, as defined in Section 2 of this Act.

(2) "County" shall mean the County of Montgomery, Alabama.

(3) "Board" shall mean the Board of Revenue of the County.

(4) "Employee" shall mean any regular and permanent officer or employee of the County, but any person who is an employee immediately prior to the effective date of this Act shall not come under this Act, and any employee whose compensation is paid on a per diem basis and elected officials do not come under this Act. In all cases of doubt, the Board shall decide who is an employee within the meaning of this Act.

(5) "Member" shall mean any person included in the membership of the Pension System as provided in Section 3 of this Act.

(6) "Service" shall mean service in the employment of and paid for by the County including service in the armed forces of the United States rendered between periods of County service; and service as a temporary acting official of the County rendered during the period the regular elective officials served in the armed forces of the United States. Service while in the employment of the County and paid partially by the City of Montgomery, Alabama, and the State of Alabama shall also be included if contributions on account of such service are made in accordance with Section 3, Sub-section (3) of this Act.

(7) "Membership service" shall mean service as a member for which credit is allowable as provided in Section 4, Sub-section (1) of this Act.

(8) "Creditable service" shall mean membership.

(9) "Retirement allowance" shall mean annual payments for life. All such retirement allowances shall be payable in monthly installments continuing to the last payment prior to death.

(10) "Beneficiary" shall mean any person in receipt of a retirement allowance under this Act.

(11) "Accumulated contributions" shall mean the sum of all the amounts deducted from the compensation of a member.

(12) "Earnable compensation" shall mean the full rate of compensation, excluding that part of his salary in excess of \$4,800.00 per annum, that would be payable to a member if he worked the full normal working time.

(13) "Pension Plan" shall mean the Pension System for County employees established by Act No. 240, H. 627, approved July 29, 1947 (Local Acts of 1947, p. 165 as amended) as said system existed immediately prior to the operative date of this Act which said System is not repealed but will ultimately be superseded by this Act.

(14) "Operative date" shall mean the date the Pension System begins operation as provided in Section 2 of this Act.

(15) "Retirement age" shall mean the age at which the member becomes eligible for pension under this Act and shall be entitled to retire; for females the age is 62 and for males the age is 65.

SECTION 2. Date Operative—The Board of Revenue is hereby authorized to establish a retirement system for the purpose of providing retirement allowances under the provisions of this Act for employees of the County of Montgomery. The Pension System shall begin operation as of the date set by the Board of Revenue by Resolution or Resolutions adopted by the Board. It shall be known as the "Montgomery County Employees' Retirement System" and all of its funds invested and all of its cash and securities and other property held in trust for the purpose for which received.

SECTION 3. Membership—(1) Any person who becomes an employee on or after the operative date shall, as a condition of his employment, become a member of the Pension System on the first day of the calendar month following his completion of one year of service. No such person shall be under the Pension Plan as defined in Section 1, Sub-section (13) of this Act.

(2) Any person in service on the operative date who became an employee prior thereto and who on the operative date is not immediately eligible for the Pension Plan shall become a member of this Pension System as of such date or as of the first day of the calendar month following the completion of one year of service.

(3) Anything in this Act to the contrary notwithstanding, any employee whose earnable compensation is paid in whole or in part by the City of Montgomery, Alabama, the State of Alabama, and the County of Montgomery, and who is not otherwise covered by a Pension Plan or Pension System of the City or the State, or the County, may become a member if otherwise eligible, provided the City, the State and the County contributes to the Pension System on his account in proportion to the sums the City, the State and the County paid as salary or wages for such an employee.

(4) Should any member in any period of six consecutive years after last becoming a member be absent from service more than five years, or should he withdraw his accumulated contributions

or die or retire under the provisions of this Act, he shall thereupon cease to be a member.

SECTION 4. Service Creditable—(1) Each member shall receive membership service credit for all service rendered while a member of the Pension System since he became a member, or since he last became a member in the event of a break in his membership.

(2) The Board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the Board allow credit as service for any period of more than one month's duration during which the employee was absent without pay. The Board shall verify the service claimed and shall issue service certificates certifying to each member the number of years of service with which he is credited. As long as membership continues, a certificate shall be final and conclusive for retirement purposes as to such service credit; provided, however, that any member may, within one year after the date of issuance or modification of such certificate, request the Board to modify or correct his service certificate.

(3) Creditable service at retirement on which the retirement allowance of a member shall be based consists of his membership service credit.

(4) Anything in this Act to the contrary notwithstanding, if an employee is absent due to service in the armed forces and returns to County service within ninety days after becoming entitled to discharge or within ninety days after hospitalization continuing after discharge for a period of not more than two years, credit for such period of absence commencing prior to the operative date shall be allowed service credit as if such service had been service as an employee of the County with compensation at the employee's rate of compensation in effect immediately prior to such absence. The period of any such absence commencing on or after the operative date shall be allowed as membership service credit as if such service had been service as an employee of the County with compensation at the member's rate of compensation in effect immediately prior to such absence, provided contributions are made by the member on account of such period.

SECTION 5. Administration—(1) The general administration and the responsibility for the proper operation of the Pension System and for making effective the provisions of this Act are hereby vested in the Board of Revenue of Montgomery County, Alabama.

(2) The Board of Revenue shall have the power, right and authority from time to time to establish rules and regulations for

the administration of the Pension System and for the transaction of its business.

(3) The Board shall keep in convenient form, such data as shall be necessary for actuarial valuation of the Pension System and for checking the experience of the Pension System.

(4) The Board shall keep a record of all of its proceedings, which records shall be open to public inspection.

Duties of Actuary

(5) The Board may designate an actuary who shall be the technical adviser of the Board on matters regarding the operation of the Pension System and who shall perform such other duties as are required in connection therewith. Such actuary to serve at the pleasure of the Board, all contracts with such actuary to be subject to this provision.

(6) The Board may certify from time to time the rates of contribution payable under the provisions of this Act, not to exceed the maximums specified in Section 7, and may adopt for the Pension System from time to time such mortality, service and other tables as shall be deemed necessary, and on the basis of such tables the actuary may make annually or as otherwise directed an actuarial valuation of the assets and liabilities of the Pension System. The Board shall at times within its absolute discretion cause an actuarial investigation to be made into the mortality, service and compensation experience of the members and beneficiaries of the Pension System.

SECTION 6. Benefits—Service Retirement Allowance

(1) (a) The minimum service retirement age shall be the age at which the member attains the age of sixty-five for males and age sixty-two for females, and completes twenty years of continuous service or twenty-five years of service, at least fifteen of which are continuous. Any member in service who has attained his minimum service retirement age shall be retired by the Board on a service retirement allowance upon his written application setting forth at what time, not less than thirty nor more than ninety days next following the execution and filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service.

(b) Any member in service who has attained age seventy and completed twenty years of continuous service or twenty-five years of service, at least fifteen of which are continuous, shall be retired forthwith by the Board on a service retirement allowance; provided that upon the request of his department head, approved by the Board, a member who is a professional, technical or administrative employee or a chief clerk or deputy sheriff and who has attained age seventy may be permitted to con-

tinue in active service for a period of one year as a result of each such request. More than one such request may be made relative to a person. Notwithstanding an extension of a member's service after he has attained age seventy, such a member shall be retired by the Board on a service retirement allowance upon his written application setting forth at what time not less than thirty nor more than ninety days next following the execution and filing thereof he desires to be retired.

(c) Any member in service who has attained age seventy and who is not otherwise eligible for a service retirement allowance shall cease to be an employee of the County; provided that upon the request of his department head, approved by the Board, a member who is a professional, technical or administrative employee or a chief clerk or deputy sheriff and who has attained age seventy may be permitted to continue in active service for a period of one year as a result of each such request. More than one such request may be made relative to a person.

(d) Any member in service as the chief deputy or other deputy of the sheriff who has completed twenty years of continuous service or twenty-five years of service, at least fifteen of which are continuous, who becomes disabled to perform the type of classified duties he is employed to perform as determined by the Board of Revenue, may be retired by the Board on a service retirement allowance.

(e) The pension payments due eligible employees under this Pension System as to amounts shall be the same and identical as the payments now specified in the Pension Plan; that is to say the rate of pensions under the Pension System per each employee is governed by the same formula payments as in the Pension Plan.

Return of Contributions

(2) Should a member cease to be an employee for any reason other than retirement under the provisions of this Act, he shall be paid on demand the sum of his contributions without interest. In the event of death of a member, the sum of his contributions, without interest, shall be paid to his personal representative.

(3) After three years from the date and time any return contribution is due an employee no claim, suit or action may be filed or brought in any court of law or equity or otherwise for the return of such sum.

(4) All sums remaining after being barred by Section 6, Subsection (3) above shall vest in the Retirement Fund.

SECTION 7. Method of financing—All of the assets of the System shall be credited, according to the purpose for which they are held. (1) Retirement Fund. The Retirement Fund shall be the

account in which shall be accumulated, the contributions deducted from the compensation of members. The rate of contribution to the Pension System on the part of members shall not, unless changed by the Legislature, exceed three and one-half per centum of each member's gross earnable compensation, subject to the \$4,800.00 maximum limitation.

(a) The Board of Revenue shall cause to be deducted from the compensation of each member on each and every payroll for each and every payroll period, such proportion of the member's compensation. In determining the amount earnable by a member in a payroll period, the Board of Revenue may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per centum of the compensation upon the basis of which such deduction is made.

(b) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be deducted thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction and less other authorized deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment.

(c) The Clerk of the Board of Revenue shall certify the amounts deducted on each and every payroll.

(d) All interest and dividends earned on the funds of the Pension System shall be credited to the Retirement Fund.

(e) On account of each member, there shall be paid each payment period into the Retirement Fund, three and one-half per centum of the compensation of each member to be known as the "normal contribution".

(f) The County contributions to the Pension System fund shall be paid from the County departmental fund from which such particular employee derives his payment of wages or salary.

(2) Expense Account. The Expense Account shall be the account to which shall be credited all money provided by the County to pay the administration expenses of the Pension System, and from which shall be paid all the expenses necessary in connection with the administration and operation of the System.

(3) **Judicial Interpretation.** Should there be any conflict between the Pension Plan and the Pension System caused by the provisions enumerated in this Act, the Board of Revenue may by proper resolution, reconcile such conflicts so that practicable justice can be had as near as can be, and the Board of Revenue acting judicially, is hereby vested with full power, authority and right to make by its judicial determination, reconciliations and adjustments when caused by conflicts or inconsistencies in the herein Pension System with the provisions of the Pension Plan. The Board may act judicially in its capacity as a court adjudicate and determine all controversies and issues arising under this Act, and its findings of fact and determinations of issues shall be final and conclusive.

(a) No employee or person shall draw any sum from both the Pension Plan and the Pension System.

(b) Whenever the "masculine" is used herein, it shall include the "feminine".

SECTION 8. Management of funds.—(1) The members of the Board shall be the trustees of all of the assets of the Pension System and shall have full power to invest and reinvest such assets.

(2) All such investments or reinvestments of such assets shall be in bonds or other securities issued as direct obligations of the Government of the United States or a direct obligation of the State of Alabama or the direct obligation of any municipality or county in Alabama.

(3) Such funds may be deposited in any National Bank having its home office in Montgomery, Alabama, or any similar State Bank which deposits are guaranteed by the Federal Deposit Insurance Corporation deposit laws of the United States.

(4) Not over \$10,000.00 shall be placed in any one such depository unless the deposit is protected by United States Bonds twice the value of such deposit to secure such deposits as trust funds.

SECTION 9. Limitations on Other Legislation.—This Act and the provisions of this Pension System shall supersede the Pension Plan as to any persons becoming employed by the County on and after the operative date of this Pension System and no person becoming an employee of the County after said date shall participate in any way in such Pension Plan.

SECTION 10. Assignments Prohibited.—(1) The property and funds of the Pension System, the contributions of members deducted from their compensation, the right of a person to a retirement allowance, and any other right accrued or accruing to any person under the provisions of this Act and the moneys in

the various accounts created by this Act shall not be subject to taxation by the County nor by the State of Alabama, nor be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws or any other process of law whatsoever to satisfy any debt or liability of any member, and shall be unassignable except as in this Act specifically provided.

(2) Nor shall any benefit or sum be mortgaged, pledged or alienated other than an employee entitled to any return of contributions or payments due him or her which has not been actually received may dispose of such sum or claim thereto by Last Will and Testament or the disposition of such sums shall be subject to the laws of Descent and Distribution of Alabama, in existence at such time in the event of such employee leaving no valid last will.

SECTION 11. Protection Against Fraud—Whoever with intent to deceive shall make any claim, statements, representations or reports required under this Act which are untrue, or shall falsify or permit to be falsified any record or records of this Pension System shall be fined not to exceed one hundred dollars, or imprisoned in the Montgomery County Jail not to exceed six months, or both.

SECTION 12. Errors—Should any change or error in the records result in any member or beneficiary receiving from the Pension System more or less than he would have been entitled to receive had the records been correct, the Board shall have the power to correct such error, and as far as practicable, to adjust the payments.

SECTION 13. General Conditions—(1) The Board of Revenue shall have the continuing right and power to implement this Act at any time, by promulgating reasonable rules and regulations and making reasonable interpretations and orders; and the Legislature hereby expressly reserves to itself the right and power to amend, supplement, modify, or repeal this Act at any time.

(2) All provisions of any Act inconsistent with the provisions of this Act are hereby expressly repealed to the extent of such inconsistency.

(3) If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated.

SECTION 14. Date Act Effective.—This Act shall take effect on and after its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved September 28, 1959.
Time: 11:04 A. M.

AN ACT

To amend an Act approved by the Legislature of Alabama on July 29, 1947 (Local Acts of 1947, p. 165), as amended; to authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for elected officials, such amendment to provide for mandatory contributions to said plan by the employees of said County who are employees upon the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Pension Plan of Montgomery County in order to be strengthened and to give the present employees a vested interest in the Plan be amended by adding the following:

(1) Any person who is an employee of Montgomery County upon the effective date of this amendment shall have deducted from his salary each month, the sum of three and one-half per centum of the gross amount up to a maximum of \$4,800.00 per year. The County shall contribute an amount equal to that deducted from the employee as the County's part of the Fund. Employees who have thirty years service at the time the plan becomes operative shall be exempt from paying into the Pension Plan. Employees who reach thirty years service subsequent to the Plan becoming operative shall cease to pay into the Plan at that time.

(2) Deductions from employees and contributions by County shall be placed in a Retirement Fund to be administered by the Board of Revenue and the total amount or any part of this Fund may be used for paying retirement benefits of any employee who is presently retired under the Pension Plan or who subsequently retires under the terms of this Act. Should such Funds be insufficient as provided by this Act to pay such retirement benefits, funds from other available revenue sources may be transferred and placed in the Retirement Fund to be used for paying retirement benefits.

(3) In event of death or separation from service for any cause other than retirement, the equivalent of the amount paid into the Pension Plan by the employee shall be refunded to him or to his personal representative without interest.

(4) Within sixty days after the operative date of this Act, each employee, who is under this Plan, shall file a detailed statement of all service with the County prior to the operative date of the Plan. The County shall verify this service time and issue a prior service certificate which shall be final and conclusive evidence of the employee's length of service prior to the operative date of the Pension Plan.

(5) Any eligible person employed by the County who is

under the Pension Plan, upon the effective date of this Act, shall contribute to the Pension Fund as provided by this Act and shall receive the benefits or pension as provided for herein.

(6) Any person becoming an employee of the County subsequent to the effective date of this Act shall, if eligible to come under a Pension Plan, be governed by any subsequent adopted Pension System created by the Legislature for the County.

(7) Funds contributed by employees may, in the discretion of the Board of Revenue, be deposited in any National Bank having its home office in Montgomery, Alabama, or any similar State Bank which deposits are guaranteed by the Federal Deposit Insurance Corporation deposit laws of the United States. Not over \$10,000.00 shall be placed in any one such depository unless the deposit is protected by United States Bonds twice the value of such deposit to secure such deposits as trust funds. Such funds may be invested or reinvested in bonds or other securities issued as direct obligations of the Government of the United States or a direct obligation of the State of Alabama or the direct obligation of any municipality or county in Alabama.

(8) The County Engineer shall be considered for the purpose of this Act as receiving all his salary from the County.

(9) The employees of the County Board of Equalization shall be considered for the purpose of this Act as receiving all their salary from the County and City, and such County and City shall contribute jointly and equally to the Pension Retirement Fund along with the employees contributions.

(10) This Act shall not repeal or affect such Pension Plan now in existence other than as it relates to the duty of employee contributions or as otherwise specifically set out in this Act.

(11) This Act shall take effect on and after its passage by the Legislature and approval by the Governor or upon its otherwise becoming law and adopted by the Board of Revenue by a Resolution. The Board must adopt such Resolution within ninety days upon approval of this Act by the Governor.

Approved September 28, 1959.

Time: 11:05 A. M.

Act No. 178

S. 278—Moses

AN ACT

Relating to Colbert County; fixing the compensation of members of the board of education of Colbert County, and providing for payment of expenses incurred by the members thereof in attending meetings of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of Colbert County shall receive from the public school funds of the county the sum of twenty-five dollars (\$25.00) per day for attendance at meetings of the board, plus actual hotel and travel expenses incurred in attending meetings and transacting business of the board. The members of the board shall not be allowed per diem for more than twenty-four (24) days in any one year. Such compensation and expenses shall be paid in the same manner as provided for the payment of the compensation of teachers.

Section 2. The provisions of this Act shall become operative only if approved by a majority of the qualified electors of Colbert County, voting in a referendum to be held on the date of the first county-wide primary, general, or special election held after the passage of this Act. The governing body of Colbert County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election, the question shall be stated substantially as follows: "Shall the provisions of Act No. _____ of the 1959 Regular Session of the Legislature, which fixes the compensation of, and provides for payment of expenses incurred by, members of the county board of education of Colbert County in attending meetings of the board, be adopted? Yes () No ()." If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become effective upon the expiration of the terms of members of the board of education of Colbert County in accordance with the provisions of Amendment XCII of the Constitution of Alabama. If the majority are "No," this Act shall have no effect. The judge of probate of Colbert County shall certify the results of the election to the Secretary of State within 30 days after the returns thereof are canvassed.

Approved September 28, 1959.

Time: 11:06 A. M.

Act No. 179

S. 292—Robison

AN ACT

To amend Section 339 of Title 62, Code of Alabama 1940, relating to the judges of the fifteenth judicial circuit of Alabama (Montgomery County).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 339 of Title 62, Code of Alabama 1940, is hereby amended to read as follows:

"Section 339. The judges shall be numbered so that each judgeship shall be designated by a number, and the judges shall

be so designated on the ballots used in the primary and general elections. The judge holding place number one or place number two who has had the longest term of service as judge of the fifteenth judicial circuit shall be presiding judge of the circuit."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 28, 1959.

Time: 11:07 A. M.

Act No. 180

S. 293—Robison

AN ACT

To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), be, and the same is hereby amended to read as follows:

"RECORDER: There shall be in the city the office of recorder of such city, and it shall be the duty of the board of commissioners of such city to elect a recorder for such city, who shall have all the powers and jurisdiction conferred by law upon recorders of cities in the State of Alabama. Whenever the recorder shall be unable for any reason to perform the duties of his office then the president of said board of commissioners shall designate some person possessing the qualifications of recorder, as provided in this Act to act during the disability of the said recorder, and such person designated, when acting as recorder shall have all the powers and jurisdiction, conferred by law upon recorders in the State of Alabama. No fines, penalties or other form of punishment fixed by such recorder shall be set aside except with the consent and sanction of the president of the commission in writing, which consent shall set forth the reason for such action. No person shall be eligible to the office of recorder of such City who is not a duly qualified elector in the county in which such city is situated and who is not admitted to the practice of law in the State of Alabama. The Recorder shall be under and subject to the provisions of any civil service or merit system law applicable to said city."

Section 2. This Act shall be construed liberally. If any section or part is declared invalid in its general or specific applica-

tion, such declaration shall not affect the validity of other sections, parts, or applications.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 28, 1959.

Time: 11:08 A. M.

Act No. 181

S. 294—Robison

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the point of intersection of the East line of Section 31, Township 16 North, Range 18 East, with the North right-of-way line of Southern Boulevard, and running thence South 85 degrees-56' West along said North right-of-way line a distance of 1317 feet, more or less, to its point of intersection with the West line of the $E\frac{1}{2}$ of the $E\frac{1}{2}$ of said Section 31; thence turning and running along the West line of said $E\frac{1}{2}$ of the $E\frac{1}{2}$, Section 31, South 03 degrees-46' East 988.7 feet to a point located North 03 degrees-46' West 505.0 feet from the Southeast corner of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of said section 31; thence turning and running parallel with the South line of said $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Section 31, South 86 degrees-31' West 657.3 feet, thence turning and running South 30 degrees-31' West 129.2 feet; thence South 47 degrees-13' West 52.2 feet; thence South 30 degrees-31' West 150.0 feet; thence South 59 degrees-29' East 320.0 feet; thence South 30 degrees-12' East 68.9 feet; thence South 03 degrees-46' East 350.0 feet; thence North 86 degrees-31' East 560.0 feet to a point in the West line of the $E\frac{1}{2}$ of the $E\frac{1}{2}$, Section 31, thence South 03 degrees-46' East along the West line of said $E\frac{1}{2}$ of $E\frac{1}{2}$, Section 31, a distance of 700.0 feet; thence turning and running parallel with the right-of-way line of the Southern Boulevard North 85 degrees-56', East 1316.3

feet to a point in the East line of Section 31, thence along the East line of Section 31, North 03 degrees-45' West 2543.7 feet to its point of intersection with the North right-of-way line of Southern Boulevard, the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 28, 1959.

Time: 11:09 A. M.

Act No. 182

S. 295—Robison

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 36, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the Northeast corner of Cleveland Avenue and Fleming Road, thence N 85° 56' E along the North right-of-way line of Fleming Road a distance of 725.8 feet, more or less, to a point; thence S 04° 20' E a distance of 40 feet to a point on the South right-of-way line of Fleming Road, being 250 ft. West of the Northwest corner of Lot 3, Plat of Beauvoir Gardens, as recorded in Plat Book 3, page 25, in the office of the Judge of Probate, Montgomery County, Alabama; thence S 04° 20' E a distance of 769.6 feet to a point; thence S 85° 40' W a distance of 275 feet to a point; thence S 04° 20' E a distance of 20 feet to a point; thence S 85° 40' W a distance of 192.6 feet to a point on the East right-of-way line of the Atlantic Coast Line R.R.; thence in a Northwest-erly direction along the curve of the East right-of-way line of the Atlantic Coast Line Railroad a distance of 1005.99 feet, more or less, to a point on the North right-of-way line of Fleming Road; thence N 85° 56' E along the North right-of-way line of Fleming Road a distance of 236.3 feet, more or less, to a point in the center line of Cleveland Avenue, thence South along the center line of Cleveland Avenue a distance of 20 feet to a point; thence N 85° 56' E a distance of 30 feet to the point of beginning; all of the above described property being the Plat of Burgwyn Estate, as record-

ed in Plat Book 14, page 154, in the Office of the Judge of Probate, Montgomery County, Alabama, except for that portion of Fleming Road herein described; and all being in Section 36, T 16 N, R 17 E.

Section 2. That this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 28, 1959.

Time: 11:10 A. M.

Act No. 183

S. 298—Wilson

AN ACT

Relating to the holding of elections in Hale County; authorizing the court of county commissioners, board of revenue, or other like governing body of Hale County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Hale County may by resolution or ordinance provide for the purchase, installation, and use of voting machines in all elections held within the county, without first submitting the question of the installation of voting machines to a vote of the qualified electors of the county or of any municipality therein. If voting machines are provided for pursuant to this Act, the purchase, installation, and use thereof shall be governed by the provisions of Article 7 of Chapter 1, Title 17, Code of Alabama 1940, as amended. In its discretion, the county governing body may, from time to time, determine the number of voting machines to be used in elections held within the county and may designate the locations or places within the county where such voting machines shall be used.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 28, 1959.

Time: 11:11 A. M.

Act No. 184

S. 299—Green

AN ACT

To alter, extend and rearrange the boundary lines and corporate limits of the Town of York in Sumter County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of York in Sumter County, Alabama, are hereby altered, extended, and rearranged so that in addition to the territory presently embraced therein, all of the lands described herein will lie and be within the boundaries and corporate limits of such town:

West half of northwest quarter of Section 28, Township 18, Range 3 west; west half of west half of east half of northwest quarter of Section 28, Township 18, Range 3 west; west half of west half of Section 21, Township 18, Range 3 west; west half of west half of east half of west half of Section 21, Township 18, Range 3 west; west half of southwest quarter of Section 16, Township 18, Range 3 west; west half of west half of east half of southwest quarter Section 16, Township 18, Range 3 west (all of the above described land being a rectangular tract 1980 feet wide, east and west, and two miles long, north and south); east half of northwest quarter of Section 27, Township 18, Range 3 west; west half of northeast quarter of Section 27, Township 18, Range 3 west; northeast quarter of northeast quarter of Section 27, Township 18, Range 3 west; northwest quarter of southeast quarter of Section 27, Township 18, Range 3 west; and southeast quarter of Section 22, Township 18, Range 3 west.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 28, 1959.

Time: 11:12 A. M.

Act No. 185

S. 61—Givhan, Webb, Farmer, Turner, Barnett, Golson, Cooper, Graham, Crawford, Berryman, Wilson, Green, Word, Kendall, Rutledge, deGraffenried, Dumas, Moses, Andrews, Roberts, Godfrey, and Leonard.

AN ACT .

To amend sections 1, 2, and 3 of Act No. 666, S. 155, approved September 16, 1953 (Acts of Alabama, Regular Session, 1953, p. 923), entitled "An Act To provide for a scholarship program for medical education; and making an appropriation therefor."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 666, S. 155, approved September 16, 1953 (Acts of Alabama, Regular Session, 1953, p. 923), entitled "An Act To provide for a scholarship program for medical education; and making an appropriation therefor," is amended to read as follows:

"Section 1. a) There shall be awarded each year to persons selected by the State Board of Health in consultation with the Dean of the University of Alabama Medical College eight scholarships for the study of medicine.

"b) To be eligible to receive a scholarship under this Act an applicant must be a person of high integrity who is either enrolled in or is able to meet the requirements and academic standards for admission to the University of Alabama Medical College.

"c) A recipient of a scholarship shall attend the University of Alabama Medical College.

"d) No more than two scholarships shall be approved each year from any one county of the State.

"e) If there are not eight qualified applicants for scholarships in any year, the scholarships not granted in such year shall be carried over and added to the scholarships which are offered in succeeding years."

Section 2. Section 2 of Act No. 666, S. 155, approved September 16, 1953, is amended to read as follows:

"Section 2. The scholarships may be awarded at any time during the applicant's period of medical training, and shall cover any four-year period of such training, including intern or residency training. The scholarships shall cover the student's tuition, books, laboratory fees, and equipment and other fees and equipment, board, room rent and other necessary expenses of attending medical school, or of receiving intern or residency training. In no event, however, shall a scholarship amount to more than two thousand dollars (\$2,000) in value in any one year, nor more than eight thousand dollars (\$8,000) in value in its entirety."

"Those persons who have applied for and received scholarships under the provisions of Act No. 666, General Acts 1953, page 923, approved September 16, 1953, and who have executed agreements with the State Board of Health in accordance with Section 3 a) of said act and whose scholarships are limited to the amount of twelve hundred and fifty dollars (\$1250) per annum in accordance with the terms of said act and said agreements shall be eligible to receive a total amount not to exceed two thousand dollars (\$2000) per annum upon approval by the State Board of Health and the ratification by the recipient of the

scholarship of the existing agreement. The State Board of Health may make reasonable rules and regulations and requirements to carry this provision into effect. It is the legislative intent to allow the State Board of Health to exercise its discretion to allow those persons who presently hold scholarships to receive upon and after the passage and approval of this act the increased amount of the per annum scholarship."

Section 3. Section 3 of Act No. 666, S. 155, approved September 16, 1953, is amended to read as follows:

"Section 3. a) Each recipient of a scholarship under this Act shall enter into an agreement with the State Board of Health whereby he agrees to practice medicine for five years after the completion of his medical training in an area or locality in the State designated by the State Board of Health, or else to forfeit and become liable immediately to the State for the amount granted him under his scholarship. If a recipient of a scholarship practices medicine in an area designated by the State Board of Health for only a part of five years, he shall forfeit and be liable to the State only for such portion of the amount granted him as the State Board of Health shall determine. Any amount forfeited hereunder shall bear interest at the rate of six per cent (6%) per annum, compounded semi-annually from the date advanced until paid. The Attorney General, upon request of the State Board of Health, shall institute proceedings in the name of the State for the purpose of recovering any amount due to the State under this Act from any recipient of a scholarship.

"b) Any incorporated or unincorporated municipality or locality in the State having a population of less than 10,000 desiring additional physicians and wishing to be designated as a locality needing additional physicians, may apply to the State Board of Health to be placed on a list of localities in need of additional physicians, which shall be maintained by the Board. Such application may be made either by the municipal governing body or by a petition signed by at least one-twentieth of the qualified electors of the municipality or locality. If the State Board of Health determine that such locality is in need of physicians it shall place the locality on the list of localities in need of physicians from which recipients of scholarships may upon graduation select an area in which to practice. In compiling and maintaining the list the Board may place any locality thereon which in its opinion needs additional physicians."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 28, 1959.
Time: 11:15 A. M.

Act No. 186

S. 281—Robison

AN ACT

To amend Section 4 of the Act of August 11, 1939, which provided for a consolidation of the administration and control of all city and county public school systems in Montgomery County (Act No. 222, H. 462, 1939 Local Acts 125, 126).

Be It Enacted by the Legislature of Alabama:

Section 4 of the Act of August 11, 1939, which provided for a consolidation of the administration and control of all city and county public school systems in Montgomery County (Act No. 222, H. 462, 1939 Local Acts 125, 126) is hereby amended to read as follows:

"The board of education hereby created shall have full authority to employ all officers, teachers, experts, attorneys, engineers, architects and all other employees of every character which it thinks necessary or desirable for the proper conduct and administration of the business of the board of education, and to fix their respective salaries and to prescribe their respective duties. The board is vested with plenary and exclusive power to dismiss, discharge, remove, or transfer principals, supervisors, and teachers, and to regulate their tenure and status, the provisions of any general law on the subject to the contrary notwithstanding."

Approved September 28, 1959.

Time: 11:13 A. M.

Act No. 187

S. J. R. 23—Givhan, Wyatt, Golson

SENATE JOINT RESOLUTION

RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Honorable Bill Simmons, of Jackson, Mississippi, is cordially invited to present the TV Citizens Council Forum of America to an assembly of the members on Friday, September 25, 1959; that there shall be a joint meeting of the two houses to convene at eleven o'clock a. m., Friday, September 25, for the above stated purpose.

Approved September 28, 1959.

Time: 11:16 A. M.

Act No. 188

H. 214—Harris

AN ACT

To propose an amendment to the Constitution providing for the levy and collection of an additional property tax for educational purposes in DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment of the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Proposed amendment

"The court of county commissioners, board of revenue, or like governing body of DeKalb County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of seven and one-half mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, provided that the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election; and, provided further, that the total of all taxes levied for educational or school purposes in any school district of the county shall not exceed a total of fourteen and one-half mills on each dollar's worth of taxable property located in the district. If any proposal to levy the tax is defeated in any election, subsequent elections thereon may be held at any time. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Amendment III, Article XIX, of the Constitution of Alabama, by Article 7, Chapter 10, Title 52, Code of Alabama (1940). The tax shall be collected in the same manner and under the same requirements and laws as the taxes of the State are collected. The proceeds of the tax authorized by this amendment shall be used exclusively for educational purposes, provided that the revenue derived from four and one-half mills of the total rate of taxation authorized herein shall be devoted only to purposes of capital outlay, and the revenue derived from the remaining three mills shall be devoted to current operating expenses."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in

which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House May 22, 1959.

Passed the Senate September 29, 1959.

Act No. 189

H. 613—Long (Perry), Barnett

AN ACT

Proposing an amendment to the Constitution of Alabama relating to Uniontown in Perry County, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid when approved and proclaimed as provided by law:

Proposed Amendment.

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, the municipality of Uniontown in Perry County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the

other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality of Uniontown, or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the municipality of Uniontown in Perry County, or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the municipality of Uniontown in Perry County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality of Uniontown in Perry County for the purpose of determining the borrowing capacity of the county under Section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in Section 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. The municipality of Uniontown in Perry County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House September 18, 1959.

Passed the Senate September 29, 1959.

Act No. 190

H. J. R. 66—Speaker Adams and all
Members of the House

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we are deeply grieved over the great loss suffered by our gentle friend and colleague, Wiley Salter of Conecuh County, in the sad and untimely death of his loving wife and the proud mother of his infant child. We extend to him deepest sympathy in his sorrow, and mourn with him the passing of his departed companion.

BE IT FURTHER RESOLVED That the Clerk of the House be directed to transmit a copy of this Resolution to Representative Salter.

Approved September 29, 1959.

Time: 5:00 P. M.

Act No. 191

H. 345—Meade, Guthrie, Harris, Ray,
Oden, Harvey, Jenkins, Albea,
Casey, Solomon

AN ACT

To amend Section 380, Title 51, Code of Alabama 1940, in relation to the recognition of gain or loss for state income tax purposes on property involuntarily converted as a result of condemnation; giving the amendment retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 380 of Title 51, Code of Alabama, 1940, is hereby amended to read as follows:

“Section 380. Recognition of gain or loss.—

“(a) General Rule. Upon the sale or exchange of property the entire amount of the gain or loss; determined under Section 379 of this title shall be recognized, except as hereinafter provided in this section.

“(b) Exchange solely in kind. (1) No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment. (2) No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation. (3) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization. (4) No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock securities in another corporation a party to the reorganization. (5) No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation, but in the case of an exchange, by two or more persons this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

“(c) Gain from exchange not solely in kind. (1) If an exchange would be within the provisions of subsection (b) (1), (2), (3), or (5) of this section if it were not for the fact that the

property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property. (2) If a distribution made in pursuance of a plan or reorganization is within the provisions of paragraph (1) of this subsection, but has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after January 1, 1934. The remainder, if any, of the gain recognized under paragraph (1) shall be taxed as a gain from the exchange of property.

“(d) Same—Gain of corporation. If an exchange would be within the provisions of subsection (b) (4) of this section if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then (1) if the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but (2) if the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair and reasonable market value of such other property so received, which is not so distributed.

“(e) Loss from exchange not solely in kind. If an exchange would be within the provisions of subsection (b) (1) to (5), inclusive, of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money then no loss from the exchange shall be recognized.

“(f) Involuntary conversion. (1) If as a result of the exercise of the power of requisition or condemnation or the threat of imminence thereof property is compulsorily or involuntarily converted into other property or into money no gain or loss shall be recognized. (2) If property (as a result of its destruction in whole or in part, theft or seizure, unless such property is taken pursuant to an exercise of the power of requisition or condemnation or the threat of imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the department of revenue, expended in the acquisition of other

property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund no gain or loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized, but in an amount not in excess of the money which is not so expended.

“(g) Distribution of stock on reorganization. If there is distributed, in pursuance of a plan of reorganization, to a shareholder in a corporation a party to the reorganization, stock or securities in such corporation or in another corporation a party to the reorganization, without the surrender by such shareholder of stock or securities in such corporation, no gain to the distributee from the receipt of such stock or securities shall be recognized.

“(h) Same—Effect on future distribution. The distribution, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization of its stock or securities in a corporation a party to the reorganization, if no gain to the distributee from the receipt of such stock or securities was recognized by law, shall not be considered a distribution of earnings or profits within the meaning of subsection (b) (4) of this section for the purpose of determining the taxability of subsequent distributions by the corporations.

“(i) Definition of reorganization. As used in this section and sections 378 and 379 of this title: (1) The term ‘reorganization’ means (a) a merger or consolidation (including the acquisition by one corporation of at least a majority of the voting stock, or substantially all the properties of another corporation) or (b) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred, or (c) a recapitulation, or (d) a mere change in identity, form or place of organization, however, effected. (2) The term ‘a party to a reorganization’ includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisition by one corporation of at least a majority of the voting stock of another corporation.

“(j) Definition of control. As used in this section, the term ‘control’ means the ownership of at least fifty-one percentum of the voting stock and at least eighty percentum of the total number of shares of all other classes of stock of the corporation.”

Section 2. This Act shall be given retroactive effect so as to be applicable to property condemned during the calendar year 1959.

Approved September 30, 1959.
Time: 10:08 A. M.

Act No. 192

H. 480—Cook

AN ACT

To amend Section 1 of Act No. 652, H. 1030, approved October 9, 1947 (Local Acts of Alabama 1947, p. 409), entitled "An Act To provide for meetings and compensation of members of the County Board of Education of Coffee County."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 652, H. 1030, approved October 9, 1947 (Local Acts of Alabama 1947, p. 409), entitled "An Act To provide for meetings and compensation of members of the County Board of Education of Coffee County," is amended to read as follows:

"Section 1. The members of the County Board of Education of Coffee County shall each receive from the public school funds of the county, in attending meetings and transacting business of the board, the same compensation and expenses and for the same number of days as now or as hereafter may be allowed members of county boards of education under the general laws of this State. Such compensation and expenses shall be paid in like manner as provided for the compensation of teachers. Members of the board shall not be required to hold teachers' certificates."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:09 A. M.

Act No. 193

H. 518—Grouby

AN ACT

To abolish school district no. 6, Autauga County, and to annex the territory constituting such school district to school district no. 2 of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect, the territory constituting school district no. 6, in Autauga County, shall be annexed and added to the territory constituting school district no. 2 of said county, and school district no. 6 shall cease to exist as a separate school district of the county. Provided, that all school district taxes heretofore levied or voted for school district no. 6 shall continue in effect and shall be levied and collected for school district no. 2; and all indebtedness heretofore incurred for or on behalf of school district no. 6 shall be a charge against the revenues or funds accruing to school district no. 2.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:10 A. M.

Act No. 194

H. 519—Grouby

AN ACT

To provide for the election of members of the county board of education of Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect, a member of the board of education of Autauga County shall be nominated and elected for each of the several school districts of the county, by the qualified electors of the county, as follows: A member for District No. 4 shall be elected at the general election in November 1960, and every six years thereafter; a member for District No. 1 and a member for District No. 2 shall be elected at the general election in November 1962, and every six years thereafter; and a member for District No. 3 and a member for District No. 5 shall be elected at the general election in November 1964, and every six years thereafter. Each member of the county board of education must be a resident and qualified elector of the district for which he is elected, at the time of his election and during his continuance in office.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:11 A. M.

Act No. 195

H. 523—Speaks

AN ACT

To regulate further payment of compensation to deputy sheriffs by Chilton County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to pay the com-

pensation of deputy sheriffs from the county public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It being the duty of the chief deputy sheriff and other deputy sheriffs of Chilton County to enforce state traffic and motor vehicle laws, the court of county commissioners, board of revenue, or other like governing body of said county may, in its discretion, provide for payment of the compensation of the chief deputy sheriff of the county and any other deputy sheriffs whose compensation is paid by the county according to law, in whole or in part, from the county public highway and traffic fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:12 A. M.

Act No. 196

H. 524—Speaks

AN ACT

To permit any state bank having its principal place of business or a branch place of business or office in Chilton County to establish one or more branches, or additional offices or places of business, for the receipt of deposits, payment of checks, lending of money, and doing a general banking business, subject to the approval of the State Superintendent of Banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any state bank having its principal place of business or a branch office or place of business in Chilton County, Alabama, may establish, maintain, and operate within the limits of Chilton County one or more branches, or additional offices or places of business, for the receipt of deposits, payment of checks, lending of money, and the doing of a general banking business, provided that such bank before the establishment of any such branch, or additional office or place of business, shall first secure the written consent thereto of the Superintendent of Banks of the State of Alabama.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:13 A. M.

Act No. 197

H. 525—Phillips

AN ACT

To regulate the compensation of members of the county board of education in counties having a population of not less than 19,000 nor more than 19,300 inhabitants according to the 1950 federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 19,000 nor more than 19,300 inhabitants according to the 1950 federal decennial census.

Section 2. The members of the county board of education of any county having a population of not less than 19,000 nor more than 19,300 inhabitants, according to the 1950 federal decennial census, shall each receive, as compensation for their services, from the public school funds of the county, twenty dollars (\$20.00) a day and their actual traveling and hotel expenses incurred in attending meetings and transacting the business of the board. Their pay and expenses shall be paid in like manner as provided for the payment of the compensation of teachers.

Section 3. The members of the board shall not be allowed pay for more than twenty-four days in any one year, nor shall any member of the board receive pay for any day on which he does not attend a meeting of the board or transact other business of the board.

Section 4. This Act shall become effective as to all members of the board immediately after the expiration of the term or terms of office of the present member or members whose term or terms first expire.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Approved September 30, 1959.

Time: 10:14 A. M.

Act No. 198

H. 526—Casey

AN ACT

Relating to Cleburne County; authorizing the employment of a stenographic secretary by the circuit clerk and register in chancery of the county; and authorizing the payment of the salary of such secretary from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit clerk and register in chancery of Cleburne County may employ a stenographic secretary, whose salary shall be fixed by the court of county commissioners, board of revenue or like governing body of Cleburne County at an amount not less than six hundred dollars (\$600) nor more than one thousand eight hundred dollars (\$1,800) a year, to be paid in equal monthly installments from the general funds of Cleburne County.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:15 A. M.

Act No. 199

H. 530—Bishop

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama, be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of said city all of the following described territory:

Description.

DESCRIPTION of a tract of land being a portion of Sections 15, 16, and 17, T-4-S, R-11-W, and being more specifically described as the Northwest $\frac{1}{4}$ of Section 15, the Northeast $\frac{1}{4}$ of Section 16, the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 16, the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 17, and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17, all in T-4-S, R-11-W, and being more fully described as follows:

Beginning at the Northwest corner of Section 15, T-4-S,

R-11-W, thence North $87^{\circ} 17'$ East along the North line of the said Section 15 a distance of 2660 feet to the Northeast corner of the Northwest $\frac{1}{4}$ of the said Section 15, said point also being the Southeastmost corner of the existing corporate limit line of the City of Tuscumbia, Colbert County, Alabama; thence South $5^{\circ} 15'$ East along the East line of the Northwest $\frac{1}{4}$ of Section 15 a distance of 2620.0 feet to the Southeast corner of the Northwest $\frac{1}{4}$ of Section 15; thence South $86^{\circ} 23'$ West along the South line of the said Northwest $\frac{1}{4}$ of Section 15 a distance of 2649.18 feet to the Southwest corner of the Northwest $\frac{1}{4}$ of Section 15, said point also being the Southeast corner of the Northeast $\frac{1}{4}$ of Section 16; thence South $86^{\circ} 08'$ West along the South line of the said Northeast $\frac{1}{4}$ of Section 16 a distance of 2645.52 feet to the Southwest corner of the said Northeast $\frac{1}{4}$ of Section 16; thence North $5^{\circ} 58'$ West along the West line of the said Northeast $\frac{1}{4}$ of Section 16 a distance of 1325.39 feet to a point, said point being the Southeast corner of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 16; thence South $86^{\circ} 01'$ West along the South line of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 16, a distance of 2657.46 feet to the Southwest corner of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 16; the said point also being the Southeast corner of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 17; thence South $86^{\circ} 25' 30''$ West along the South line of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 17 and the South line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17 a distance of 4052.01 feet to a point, said point being the Southwest corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17; thence North $4^{\circ} 17' 30''$ West along the West line of the said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17 a distance of 1311.0 feet to a point on the North line of Section 17, said point being the Northwest corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the said Section 17; thence North $86^{\circ} 19'$ East along the North line of the said Section 17 a distance of 4000.91 feet to the Northeast corner of the said Section 17, said point being the Northwest corner of the said Section 16; thence North $85^{\circ} 53'$ East along the North line of the said Section 16 a distance of 5338.8 feet to the point of beginning of the tract herein described, said point being the Northeast corner of the said Section 16, containing 525.16 acres, more or less.

Section 2. The real estate annexed by this Bill shall be exempt from all ad valorem taxes, except school district taxes or taxes for school purposes, for a period of ten years so long as said property is used for agricultural purposes and is not subdivided.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.
Time: 10:16 A. M.

Act No. 200

H. 538—Adams (Houston),
Chambers, Solomon

AN ACT

To establish in the 20th Judicial Circuit of Alabama the office of Clerk-Secretary to the Circuit Judge of said 20th Judicial Circuit; to prescribe the duties of the said Clerk-Secretary; to fix his or her term of office and to prescribe the pay for said Clerk-Secretary, and to provide for the payment of the salary of said Clerk-Secretary out of the General Funds of Houston and Henry Counties of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That in the 20th Judicial Circuit of Alabama (composed of Henry County and Houston County), there is hereby established the office of Clerk-Secretary to the Judge of the 20th Judicial Circuit of Alabama.

Section 2. Immediately upon the passage of this Act, and its approval, the Judge of the 20th Judicial Circuit of Alabama, shall appoint a Clerk-Secretary who shall serve at the pleasure of the said Circuit Judge, and the said Clerk-Secretary may be removed from office at any time by the said Circuit Judge.

Section 3. The said Clerk-Secretary shall do all of the clerical and secretarial work required of such Clerk-Secretary by the Circuit Judge of said 20th Judicial Circuit of Alabama, and shall keep such records and perform such other duties pertaining to the office of the Circuit Judge, as such Clerk-Secretary shall be instructed or required to do by the said Judge of said 20th Judicial Circuit. The said Clerk-Secretary shall have the same authority now possessed by Clerks of the Circuit Courts of Alabama to administer oaths.

Section 4. The said Clerk-Secretary to the Circuit Judge of the 20th Judicial Circuit of Alabama shall receive a salary to be fixed and determined by said Judge, not to exceed the sum of Three Thousand and Six Hundred Dollars per annum, which shall be payable in monthly installments out of the general fund of the counties composing said 20th Judicial Circuit of Alabama, each county to pay its pro rata of such salary, based upon the assessed value of all taxable property of such county or counties for the preceding year, on certificate issued by the Judge of the Court in favor of such Clerk-Secretary.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:17 A. M.

Act No. 201

H. 541—Turner

AN ACT

To prohibit the use of nets for fishing in Limestone County, and making the possession of prohibited nets under described conditions prima facie evidence of their illegal use; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Whoever takes, catches, or kills, or attempts to take, capture, or kill any game or non-game fish in the public fresh waters of the state in Limestone County, by the use of a hoop or fyke net, seine, gill net, or trammel net, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than 50 dollars nor more than 500 dollars or imprisonment for not less than 30 days nor more than six months; and hereafter no person shall be licensed by the state department of conservation or the director thereof to use hoop and fyke nets, gill nets, trammel nets, or seines in commercial fishing operations in Limestone County.

Section 2. The possession by any person of any hoop or fyke net, seine, gill net, or trammel net on the bank of a public stream or other public body of water or in a boat on such water in Limestone County shall be prima facie evidence that such net is being used illegally for the purpose of taking, catching, or killing, or attempting to take, catch, or kill game or non-game fish in violation of this Act.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:18 A. M.

Act No. 202

H. 542—Turner

AN ACT

To regulate further the office of sheriff of Limestone County; requiring the sheriff of such county and his deputies when engaged in official duties to wear uniforms and when motor vehicles are used in connection therewith to use motor vehicles that are plainly marked or identified as vehicles used in the discharge of the official duties of the office of sheriff; authorizing and directing the county governing body to prescribe

the style of the uniforms to be worn and the manner of marking or identifying the motor vehicles so used and to provide for the furnishing of such uniforms to such officers and the marking of such vehicles at county expense; prescribing penalties for failure to wear such uniforms or to use marked vehicles as herein required; and prescribing a defense for such failure in certain instances.

Be It Enacted by the Legislature of Alabama:

Section 1. After the sixtieth day following the date on which this Act becomes law the sheriff of Limestone County and each of his regularly employed deputies shall, whenever they are engaged in the performance of their official duties, wear a uniform of such style or design as is prescribed by the court of county commissioners, board of revenue or other county governing body, and, if a motor vehicle is used in connection with the performance of such duties, shall use a vehicle which is plainly marked or identified on both sides thereof as a vehicle used in the discharge of the official duties of the office of sheriff.

Section 2. The court of county commissioners, board of revenue or other county governing body is authorized and directed to prescribe the style or design of the uniform to be worn by the sheriff and each of his regularly employed deputies, and the manner of marking the vehicles so that they may be readily identified from either side. The county governing body shall also provide for procuring such uniforms at the expense of the county and supplying them to the sheriff and to each deputy whose compensation is paid pursuant to law by the county, and for marking or otherwise identifying such vehicles at the expense of the county.

Section 3. Failure of the sheriff or of a deputy sheriff of Limestone County to wear the prescribed uniform or to use a marked vehicle as required in this Act shall be deemed neglect of official duty and shall subject the sheriff of Limestone County to a penalty of one hundred dollars (\$100), one-half of which shall be for the use of the county and the other one-half for the use of any person who may sue therefor. Any citizen of Limestone County may sue, in his own name, for this penalty in the circuit court of such county. Provided, however, that proof by the sheriff that he or the deputy, as the case may be, at the time complained of, was engaged in a duty the consummation of which, he had good reason to believe would be prevented, hindered or impeded had such officer been wearing a uniform or using a marked or identified vehicle, shall be a complete defense to such action.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:19 A. M.

Act No. 203

H. 543—Turner

AN ACT

To provide for the appointment of a part-time clerk by the sheriff of any county having a population of not less than 35,500 nor more than 38,500, according to the last or any subsequent federal decennial census, whose compensation shall be paid by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of any county having a population of not less than 35,500 nor more than 38,500, according to the last or any subsequent federal decennial census, with the approval of the court of county commissioners, board of revenue, or other like county governing body, may appoint a part-time clerk to assist him in the performance of the duties of his office. The compensation of such clerk shall be fixed by the sheriff, with the approval of the court of county commissioners, board of revenue, or other like county governing body, at not more than one hundred seventy-five dollars per month, and shall be paid from the general fund of the county at the end of each month, on warrants drawn in the manner prescribed by law.

Section 2. The part-time clerk provided for in this Act shall be in lieu of any other part-time clerk authorized to be appointed by the sheriff of the county according to law.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:20 A. M.

Act No. 204

H. 544—Turner

AN ACT

To fix and provide for payment of the compensation of clerks and assistants of certain officers of Limestone County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of sixteen thousand two hundred dollars (\$16,200), or so much thereof as may be necessary, shall be appropriated annually from the general fund of Limestone County for the payment of the compensation of the clerks and assistants of the judge of probate. Such appropriation shall be used exclusively to pay the salaries of four clerks at not exceeding two hundred fifty dollars a month each, one clerk at not exceeding three hundred dollars a month, and a part time clerk at not exceeding two hundred dollars a month, for not more than three months each year.

Section 2. The further sum of three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary, shall be appropriated annually from the general fund of Limestone County for payment of the compensation of the clerks and assistants of the tax collector of Limestone County. Such appropriation shall be used exclusively to pay the annual salary of one full time clerk at not exceeding two hundred fifty dollars a month and the salary of a part time clerk not exceeding two hundred dollars a month, for not more than three months each year.

Section 3. The further sum of three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary, shall be appropriated annually from the general fund of Limestone County for payment of the compensation of the clerks and assistants of the tax assessor of Limestone County. Such appropriation shall be used exclusively to pay the annual salary of one full time clerk at not exceeding two hundred fifty dollars a month and the salary of a part time clerk at not exceeding two hundred dollars a month, for not more than three months each year.

Section 4. The sum of three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary, shall be appropriated annually from the general fund of Limestone County to pay the clerk of the clerk of the circuit court of Limestone County a monthly salary of not more than three hundred dollars.

Section 5. The appropriations herein provided for shall lapse at the end of the fiscal year for which they are made, and the unexpended balances thereof shall revert to the general fund of Limestone County.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall take effect on the first day of the month next following the date of its enactment; and such sums as may be necessary are hereby appropriated from the general fund of Limestone County to pay the salaries of clerks and assistants of the several county officers as herein mentioned for the fiscal year ending September 30, 1959.

Approved September 30, 1959.

Time: 10:21 A. M.

Act No. 205

H. 556—Barnett, Long (Perry)

AN ACT

To provide for the payment of expenses incurred by members of the Court of County Commissioners, Board of Revenue, or like governing body of Perry County which are incurred in the performance of their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Court of County Commissioners, Board of Revenue, or like governing body of Perry County, not including the President or Chairman thereof, shall be entitled to receive, in addition to all other expenses now allowed by law, the sum of One Hundred Dollars, (\$100.00), per month for expenses incurred by the use of his or her privately owned vehicle and otherwise in the performance of his or her duties. Such expense shall be paid at the end of each month in the same manner and from the same funds as is now provided for by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:22 A. M.

Act No. 206

H. 557—Barnett, Long (Perry)

AN ACT

To provide for appointment of an additional deputy by the sheriff of Perry County, and for the payment of his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Perry County may, with the approval of the court of county commissioners, board of revenue, or other like governing body of said county, appoint a deputy in addition to all other deputies provided for or authorized by law, whose compensation shall be an annual salary, to be paid from the county treasury in equal monthly installments not exceeding

\$3600.00 dollars. The salary of such deputy shall be fixed by the court of county commissioners, board of revenue, or other like governing body of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:23 A. M.

Act No. 207

H. 558—Smith (St. Clair)

AN ACT

Relating to and providing for the reidentification of voters in St. Clair County; directing the board of registrars to purge the lists of registered voters; and providing a penalty for anyone willfully making a false statement in connection with such reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of St. Clair County is hereby directed to purge all lists of the registered electors of St. Clair County to the end that the names of all who are deceased or non-residents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars of St. Clair County shall omit and remove from the lists of qualified electors of the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1962; provided, however, that no one who has registered as a qualified elector of the county since January 1, 1959, shall be required to reidentify himself. No person removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector, nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote at elections held in the county after the first day of October, 1962.

Section 3. A qualified elector may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of St. Clair County, or before one of the duly authorized employees of the judge of probate, and answering such questions and sub-

mitting such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence and that the voter has not become disqualified from voting in the county.

(b) He may also reidentify himself at any election at which the voter votes prior to October 1, 1962, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) A qualified elector who is on active duty in the Armed Forces of the United States, or the husband or wife of a member of the Armed Forces on active duty, may also reidentify himself or herself by filling in and mailing to the office of the judge of probate the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the elector's signature to such questionnaire must be witnessed by a commissioned officer of the Armed Forces.

(d) The board of registrars shall furnish a sufficient number of blank questionnaires to the judge of probate, and also to the sheriff, party executive committee, or other officer, agency, or committee charged with the duty of sending out election supplies, who shall cause a sufficient number thereof to be sent to each voting place at each election to be held prior to October 1, 1962.

(e) The questionnaire shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

St. Clair County, Alabama

Date: _____, 19____

Name: _____
(First) (Middle) (Last)

Legal Residence Address: _____
(Street or Route)

City or Town: _____

State: _____

Date of Birth: _____ Sex _____ Color _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, and I have not been disqualified from voting in the county.

I have resided in Precinct or Beat No. for the past three months.

Signed: _____

(Signature of Voter)

Witnessed before me this the _____ day of _____, 19_____.

Registrar—Judge of Probate—Election Official—
Commissioned Officer U. S. Armed Forces.

Section 4. Any qualified elector of St. Clair County who shall have his or her name omitted or removed from the lists of qualified electors in the county by reason of his or her failure to reidentify himself or herself as hereinabove provided, or whose name is otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself or herself in person at the office of the board of registrars or judge of probate in the manner hereinabove provided. However, after September 1, 1962, every qualified elector must have reidentified himself or herself at least thirty days prior to voting.

Section 5. Whoever knowingly makes a false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the judge of probate or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Armed Forces, is guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 6. The court of county commissioners, board of revenue, or like governing body of St. Clair County, is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help and advertisements necessary for the reidentification of voters as herein provided.

Section 7. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty days per annum, in excess of the maximum now provided by law for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.
Time: 10:24 A. M.

AN ACT

To alter and re-arrange the boundaries of the town of Centreville, Bibb County, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the town of Centreville, Bibb County, are hereby altered, re-arranged, and extended so as to include within the corporate limits of the town all that territory embraced by the boundaries described herein, to-wit:

Begin at the Northwest corner of Section 24, Township 23 North, Range 9 East, St. Stephens Meridian, Bibb County, Alabama, which said point of beginning is marked by a concrete slab bearing the inscription " 'S-13; 'S-14; 'S-23; and 'S-24 CL" thence run East along the North boundary of said Section 24 for a distance of 305 feet to a point; thence run North 45 degrees 19 minutes East in Section 13, Township 23 North, Range 9 East, Bibb County, Alabama for a distance of 5313 feet to a point (which said line is 1550 feet Northwest of and parallel to the centerline tangent of Alabama State Highway Number 25 as now located); thence run North 70 degrees 21 minutes East for a distance of 700 feet, more or less, to the Range Line common to Range 9 East and Range 10 East (which said line is 1550 feet Northwest of and parallel to the centerline tangent of said Alabama State Highway Number 25 as now located); thence continue North 70 degrees 21 minutes East for a distance of 1390 feet, more or less, to the East boundary of the West Half of the West Half of Section 18, Township 23 North, Range 10 East (which said line is 1550 feet Northwest of and parallel to the centerline tangent of said Alabama State Highway Number 25 as now located); thence run South 3290 feet with the East boundary of the West Half of the West Half of said Section 18, and parallel to the Range Line common to Ranges 9 East and 10 East to a point (which said point is 1550 feet Southeast of the centerline tangent of said Alabama State Highway Number 25 as now located); thence run South 70 degrees 21 minutes West for a distance of 350 feet to a point (which said line is 1550 feet Southeast of and parallel to the centerline tangent of said Alabama State Highway Number 25 as now located); thence run South 45 degrees 19 minutes West for a distance of 3194 feet to a point (which said line is 1550 feet Southeast of and parallel to the centerline tangent of said Alabama State Highway Number 25 as now located); thence run South 30 degrees 57 minutes West for a distance of 2202 feet (which said line is 1550 feet Southeast of and parallel to the centerline tangent of said Alabama State Highway Number 25 as now located); thence run South 19 degrees 04 minutes West for a distance of 2285 feet to a point on the North boundary of

Section 25, Township 23 North, Range 9 East, Bibb County, Alabama (which said line is 1550 feet Southeast of and parallel to the centerline tangent of Alabama State Highway Number 25 as now located); thence run East 3073 feet with the North boundary of said Section 25 to the Northeast corner of said Section 25; thence continue East with the North boundary of Section 30, Township 23 North, Range 10 East, to the Northeast corner of the Northwest Quarter of said Section 30; thence run South with the East boundary of the Northeast Quarter of the Northwest Quarter of said Section 30 to the Southeast corner thereof; thence run West with the South boundary of the said Northeast Quarter of the Northwest Quarter of said Section 30 for a distance of 660 feet, more or less, to the center of the South boundary of the said Northeast Quarter of the Northwest Quarter of said Section 30; thence run South through the center of the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of said Section 30 for a distance of 1500 feet, more or less, to the South margin of the right of way of U. S. Highway Number 82 as now located; thence run Northwesterly with the South boundary of the right of way of said U. S. Highway Number 82 for a distance of 880 feet, more or less, to the East boundary of the West Half of the West Half of said Section 30; thence run South with the East boundary of the said West Half of the West Half of said Section 30 for a distance of 1500 feet, more or less, to the North boundary of the right of way of U. S. Highway Number 82, Centreville By-Pass Road as now located; thence run Northeasterly with the North margin of the right of way of said U. S. Highway Number 82, Centreville By-Pass Road, as now located, for a distance of 1350 feet, more or less, to the North-South Half Section Line which runs through said Section 30, Township 23 North, Range 10 East; thence run North with said Half Section Line for a distance of 1500 feet, more or less, to a point which is 1550 feet North of the centerline tangent of U. S. Highway Number 82 as now located, bearing South 85 degrees 53 minutes East; thence run South 85 degrees 53 minutes East for a distance of 8000 feet to a point (which said line is 1550 feet North of and parallel to the centerline tangent of U. S. Highway Number 82 as now located) to the East boundary of Section 29, Township 23 North, Range 10 East, Bibb County, Alabama; thence run South 81 degrees 39 minutes east for a distance of 4930 feet, more or less, (which said line is 1550 feet North of and parallel to the centerline tangent of said U. S. Highway Number 82 as now located); to a point on the Northeast boundary of that certain tract of land now owned by and known as the Martin Gay Tract and which said point is 2283 feet North and 960 feet East of the Southeast corner of the Southwest Quarter of Section 28, Township 23 North, Range 10 East, Bibb County, Alabama; thence run South 48 degrees East for a distance of 192 feet to a point, which point is

marked by a concrete post; thence run South 03 degrees West for a distance of 860 feet to a point, which point is marked by a hickory tree and concrete post; thence run South 43 degrees West for a distance of 103 feet to a point on the centerline of an old railroad grade; thence run South 41 degrees 30 minutes West for a distance of 159 feet to a point on said old railroad grade; thence run South 39 degrees 05 minutes West for a distance of 129 feet to a point on said old railroad grade, thence run South 35 degrees 39 minutes West for a distance of 171 feet to a point on said old railroad grade; thence run South 28 degrees 39 minutes West for a distance of 80 feet to a point, which point is marked by a concrete post on the North margin of the right of way of U. S. Highway Number 82 as now located; thence run South 81 degrees 39 minutes East for a distance of 83.4 feet with the North margin of the right of way of said U. S. Highway Number 82 to a point; thence run South 02 degrees 41 minutes East for a distance of 920 feet, more or less, to the South margin of the right of way of the Gulf, Mobile & Ohio Railroad as now located; thence run North 68 degrees 30 minutes West for a distance of 870 feet, more or less, along the cord of the curve of the South margin of the right of way of the said Gulf, Mobile & Ohio Railroad to the North-South Section Line which runs through Section 28, Township 23 North, Range 10 East; thence run South 306 feet to a point, which point is marked by a concrete post and which marks the Quarter Section post common to Sections 28 and 33 in Township 23 North, Range 10 East; thence run West with the North boundary of said Section 33 a distance of 1311 feet to the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 33; thence run South with the East boundary of the said Northwest Quarter of the Northwest Quarter of said Section 33 a distance of 1005 feet, more or less, to a point (which said point is 1550 feet South of the centerline tangent of the said Gulf, Mobile & Ohio mainline tracks); thence run South 88 degrees 50 minutes West for a distance of 12,210 feet, more or less, to a point (and which said line is 1550 feet South of and parallel to the centerline tangent of the main line tracks of the said Gulf, Mobile and Ohio Railroad) in the center of the Cahaba River; thence run Northeasterly with the center of the said Cahaba River for a distance of 1600 feet, more or less to the South boundary of the right of way of the said Gulf, Mobile & Ohio Railroad; thence run South 88 degrees 50 minutes West for a distance of 1226 feet with the South margin of the said Gulf, Mobile & Ohio Railroad right of way to a point; thence run North 06 degrees 52 minutes East for a distance of 413 feet to an axle on the West margin of Locust Street and the South margin of Oak Street in Fair's Addition to the Town of Centreville, Alabama, as shown by a map or plat of said Addition as the same appears of record in the Probate Office of Bibb County, Alabama, in Deed Book 16 Page 250 and Map Book 1 Page 9; thence run North 83 degrees 35 minutes West for

a distance of 325.2 feet with the South margin of said Oak Street of said Fair's Addition to a bolt on the West margin of Mill Street of said Fair's Addition; thence run North 06 degrees 04 minutes East for a distance of 359 feet with the West Margin of said Mill Street of said Fair's Addition to a stake by a catch basin; thence run North 08 degrees 04 minutes East for a distance of 349.1 feet to a bolt at the Southwest intersection of that certain Street which leads from Mill Street of said Fair's Addition to the Davidson Plantation Road; thence run North 77 degrees 06 minutes West for a distance of 238.4 feet to a concrete post on the South margin of that certain Street leading to the Davidson Plantation Road; thence run North 59 degrees 06 minutes West for a distance of 265.9 feet with the South margin of said Street leading to Davidson Plantation Road to a point; thence run North 73 degrees 15 minutes West for a distance of 154.2 feet with the South margin of said Street leading to Davidson Plantation Road to a point; thence run North 85 degrees 03 minutes West for a distance of 229.6 feet with the South margin of said Street leading to Davidson Plantation Road to a point on the West margin of said Davidson Plantation Road; thence run West 1301 feet to a point; thence run North 00 degrees 32 minutes East for a distance of 1197.5 feet to a point on U. S. Highway Number 82 and Alabama State Highway Number 5, as the same are now located, and which said point lies on the East-West Half Section Line through Section 26, Township 23 North, Range 9 East, Bibb County, Alabama, and is 3932 feet West of a steel axle which marks the Quarter Section common to Sections 25 and 26 in Township 23 North, Range 9 East, and is also 18.4 feet North of the centerline of said U. S. Highway Number 82 and said State Highway Number 5; thence run West 579.7 feet with the said Half Section Line to a point on said U. S. Highway Number 82 and said Alabama State Highway Number 5; thence run North 19 degrees 50 minutes West with the East boundary of a tract of land now owned by Leland Pierson a distance of 290 feet to a concrete post by a fence corner; thence run North 72 degrees 17 minutes West a distance of 648.3 feet with the North boundary of the said tract of land owned by Leland Pierson to the West boundary of Section Number 26, Township 23 North, Range 9 East to a concrete post; thence run North 01 degrees 40 minutes East a distance of 630 feet with the West boundary of said Section 26 to a concrete post; thence run South 77 degrees 17 minutes East with the South boundary of a tract of land now owned by Virgis M. Ashworth a distance of 1330 feet, more or less, to the West boundary of the East half of the Northwest quarter of said section 26; thence run North with the said West boundary of the said East half of the Northwest quarter of said Section 26 a distance of 1840 feet, more or less to the North boundary of said Section 26; thence run East with the North boundary of said Section 26 a distance of 415 feet, more or less, to a point (which said point is 100 feet West

of the extreme Western corner of the Bibb County Hospital building as now being constructed); thence run North and parallel to the West boundary of Section 23 in Township 23 North, Range 9 East for a distance of 3077 feet to a point; thence run East for a distance of 2800 feet, more or less, to the center of the Cahaba River; thence run in a Northerly direction with the centerline of said Cahaba River for a distance of 2150 feet, more or less, to the North boundary of said Section 23, Township 23 North, Range 9 East; thence run East with the North boundary of said Section 23 for a distance of 1066 feet, more or less, to the Northeast corner of said Section 23, Township 23 North, Range 9 East, and which said point is also the Northwest corner of Section 24, Township 23 North, Range 9 East, and is the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:25 A. M.

Act No. 209

H. 573—Ingram

AN ACT

To abolish the office of deputy solicitor for Clay County and to create in lieu thereof the office of county solicitor; to provide for the election, qualifications, and term of the county solicitor, prescribe his powers, authority, and duties, and fix his compensation; and to require the board of revenue, court of county commissioners, or other like governing body of Clay County to furnish the county solicitor with necessary office space, supplies, and equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of county solicitor for Clay County is hereby created. At the general election to be held in November 1962, and every four years thereafter, a county solicitor for Clay County shall be elected by the qualified electors of the county. The county solicitor shall hold office for a term of four years from the first Monday after the second Tuesday in January next following his election, and until his successor shall have been elected and qualified. As of the first Monday after the second Tuesday in January, 1963, and upon the election and qualification of the first county solicitor, as provided herein, the office of deputy solicitor for Clay County shall be abolished.

Section 2. The county solicitor shall be learned in the law, shall be a resident and qualified elector of Clay County, and shall possess all the qualifications required of deputy solicitors under the general laws of this State. Before entering upon the duties of his office, the county solicitor shall take, and shall file

in the office of the judge of probate of Clay County, the oath of office prescribed by the Constitution and laws of Alabama.

Section 3. The county solicitor shall represent the State in all cases in the county court of Clay County and shall perform such other duties and have such powers and authority as may be required of, or conferred on, deputy solicitors under the general laws of this State. For the performance of his duties, the county solicitor shall receive a salary of three thousand dollars (\$3,000) per annum, payable in equal monthly installments out of the general fund of Clay County.

Section 4. Nothing contained herein shall be construed to prohibit the county solicitor from practicing law, except that neither the county solicitor, nor any member of any law firm with which he is affiliated, shall represent or defend as attorney any defendant in any criminal case in any court of the State of Alabama or of the United States.

Section 5. The board of revenue, court of county commissioners, or other like governing body of Clay County shall furnish the county solicitor with adequate and suitable office space, and with such equipment and supplies, including office furniture, telephone, typewriter, stationery, and stamps, as may be necessary for the proper and efficient discharge of the duties of his office.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:26 A. M.

Act No. 210

H. 574—Steagall

AN ACT

To permit any bank having its principal place of business in Dale County to establish, maintain, and operate, within the corporate limits of any incorporated municipality in Dale County, one or more branches or additional offices or places of business, subject to the approval of the state superintendent of banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank having its principal place of business in

Dale County may establish, maintain, and operate, within the corporate limits of any incorporated municipality in Dale County, one or more branches or additional offices or places of business, provided that such bank, before the establishment of any such branch or additional office or place of business, shall first secure the written consent thereto of the superintendent of banks of the State of Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:27 A. M.

Act No. 211

H. 575—Steagall

AN ACT

To authorize the court of county commissioners, board of revenue or other like governing body of Dale County to designate deputy sheriffs as county traffic control officers and to provide for the payment of their compensation, in whole or in part, from the Dale County public highway and traffic fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It being the duty of the chief deputy sheriff and any other deputy sheriffs of Dale County to enforce state traffic and motor vehicle laws, the court of county commissioners, board of revenue, or other like governing body of Dale County is hereby authorized to designate the chief deputy and any other deputy sheriffs, whose compensation is paid by the county according to law, as a county traffic control officer. In its discretion, the county governing body may provide for the payment of the compensation of the deputy sheriffs so designated as traffic control officers, in whole or in part, from the Dale County public highway and traffic control fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:28 A. M.

Act No. 212

H. 576—Steagall

AN ACT

To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Dale County shall be entitled to receive a salary of twenty-five dollars (\$25.00) a month, payable out of the general funds in the county treasury in the same manner as the salaries of county employees are paid.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:29 A. M.

Act No. 213

H. 643—Bevill, Shumate

AN ACT

To abolish the office of County Solicitor of Walker County, Alabama, and to create in lieu thereof the office of the Solicitor of the County Court of Walker County, Alabama, to provide for the appointment and the election of such officer by the qualified voters of said Walker County, to prescribe his duties, powers and qualifications and to provide for his compensation and the way in which same is to be paid, to fix the term of his office, to provide for the election of his successor in office and to fix the time in which he shall take office and to relate that all general and local laws in conflict with the provisions of this Act are repealed in so far as they relate to said Walker County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the office of County Solicitor of Walker County, Alabama, be and the same is hereby abolished, and the office of the Solicitor of the County Court of Walker County, Alabama, be and the same is hereby created and established in lieu thereof.

Section 2. The Solicitor of the County Court of Walker County, Alabama, shall be elected at the general election to be held in November, 1960, and every four years thereafter. The Solicitor of the County Court shall hold office for a term of four years from the first Monday after the second Tuesday in January, next following his election and until his successor shall have been elected and qualified.

Section 3. The Solicitor of the County Court of Walker County,

Alabama, hereby created shall be learned in law and licensed to practice law under the laws of Alabama, and must be a citizen and a qualified elector of Walker County.

Section 4. It shall be the duty of the Solicitor of the County Court of Walker County, Alabama, to represent the state in all criminal and quasi-criminal cases in the County Court of Walker County, Alabama, to prosecute all criminal cases arising from indictments transferred from the County Court of Walker County, Alabama; to represent the State in preliminary proceedings, in felony cases and habeas corpus proceedings brought before the County Court of Walker County; to perform the duties imposed on Deputy Solicitors as provided in Section 256 of Title 13 of the 1940 Code of Alabama; the Solicitor of the County Court is hereby empowered to administer the oath to anyone making complaint and to issue warrants of arrest for the offenses committed in Walker County in violation of Section 90, Title 34 of the 1940 Code of Alabama; and to perform the duties now imposed on Circuit Solicitors and Deputy Solicitors as provided in Article 7 of Chapter 4, Title 13 of the 1940 Code of Alabama; where such offenses occur and duties arise in Walker County, and in the absence of the Circuit Solicitor to represent the State in the Circuit Court of Walker County, and shall have power to issue subpoenas to the witnesses to attend the Grand Jury of Walker County; to reduce the number of State's witnesses in the County Court of Walker County, to be summoned, to not more than two to prove the same fact; to assist the coroner of Walker County, Alabama, in holding inquests and assembling evidence to be presented to the Grand Jury; to represent the State of Alabama in all juvenile matters brought before the County Court; to represent the State and the County in application to the Court of Probate for orders of condemnation of lands in Walker County, Alabama, for public uses of eminent domain and to give written opinions to, and represent the Board of Finances and Control or like governing bodies of Walker County, in all legal proceedings when requested to so do by such Board of Finances and Control or other governing bodies. It shall be the additional duty of the Solicitor of the County Court of Walker County, Alabama, to represent the Board of Registrars of Walker County in all acts brought against them by any persons seeking to appeal any decisions of the Board of Registrars.

Section 5. That the salary of the Solicitor of the County Court of Walker County, Alabama, be and the same is hereby fixed the sum of forty-eight hundred dollars (\$4800) per annum, which shall be payable out of the county treasury of Walker County, Alabama, in twelve equal monthly installments on the last day of each month upon a warrant drawn upon the treasurer of the county by the chairman of the Board of Finances and Control, or other like governing body of Walker County, Alabama.

Section 6. It is the intention of this Act that the said Solicitor of the County Court of Walker County, Alabama, shall be in lieu of, and shall take the place of the present County Solicitor of said county.

Section 7. The Honorable Joel P. Robinson, Jr., duly elected County Solicitor of Walker County, as that office was constituted prior to the passage of this Act, shall serve as Solicitor of the County Court of Walker County, Alabama, as that office is constituted by this Act until his successor shall be elected and qualified in accordance with Section 2 of this Act.

Section 8. That if for any reason any act, provision or clause of this Act shall be held unconstitutional or invalid then that fact shall not destroy the constitutionality of this Act except as to that clause or section.

Section 9. All laws or parts of laws, both local and general, in conflict with the provisions of this Act are hereby repealed so far as they relate to Walker County, Alabama.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:00 A. M.

Act No. 214

H. 646—Smith (St. Clair)

AN ACT

Relating to St. Clair County; providing for the election of county commissioners from districts; prescribing the powers and duties of the court of county commissioners of St. Clair County, and the qualifications, term of office, compensation, and manner of election of the members thereof; and excepting the judge of probate, as the presiding judge of the court of county commissioners, from the operation of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the court of county commissioners of St. Clair County, other than the presiding judge or chairman thereof, shall be elected hereafter as provided in this Act.

Section 2. Such members of the court of county commissioners of St. Clair County shall be chosen by the qualified electors of the four commissioners' districts into which the county is now divided, but each district shall be entitled to nominate and elect only one member of the court. Commissioners from Districts 1 and 4 shall be elected at the general election to be held in 1960, and every four years thereafter. Commissioners

from Districts 2 and 3 shall be elected at the general election to be held in 1962, and every four years thereafter. A candidate for county commissioner must be a resident and qualified elector of the district he seeks to represent, and shall continue to reside therein during his continuance in office. Each member of the court of county commissioners of St. Clair County who is elected under the provisions of this Act shall hold office for a term of four years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

Section 3. Except as otherwise provided in this Act, the compensation, election, term of office and qualifications of the members, and the powers and duties of the court of county commissioners of St. Clair County shall be the same as presently prescribed by law. Nothing in this Act shall be construed to affect the compensation, election, term of office, qualifications, or powers and duties of the judge of probate of St. Clair County as presiding judge or chairman of the court of county commissioners of the county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws in conflict with this Act are, to the extent of such conflict, hereby repealed.

Section 6. The substantial provisions of this Act shall become effective only if approved by a majority of the qualified electors of St. Clair County who vote in a referendum hereon to be held on the date of the first countywide primary, general, or special election to be held in the county after the passage of this Act. The court of county commissioners of St. Clair County shall order and provide for holding the referendum on such date. On the ballots to be used at the referendum the question shall be stated substantially as follows: "Shall the provisions of Act No. _____, of the 1959 Regular Session of the Legislature, approved the _____ day of _____, 1959, which provides for the election of the members of the court of county commissioners of St. Clair County by districts, be adopted? Yes () No ()." If a majority of the votes cast in the referendum are "Yes," all the provisions of this Act shall become effective immediately. If the majority are "No," this Act shall have no further force or effect, except that the judge of probate of St. Clair County shall certify the results of the referendum to the Secretary of State within 30 days after the determination thereof.

Approved September 30, 1959.
Time: 10:01 A. M.

Act No. 215

H. 647—Grouby

AN ACT

To provide for and regulate the payment of a portion of the compensation of clerks in the offices of the tax assessor and tax collector of Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever either the tax assessor or the tax collector of Autauga County employs a clerk, the board of revenue, court of county commissioners, or other like governing body of Autauga County shall pay a portion of the compensation of such clerk. That portion of each clerk's compensation to be paid by the county shall be in an amount of not less than seventy-five dollars (\$75.00) nor more than one hundred dollars (\$100.00) per month, the exact amount to be fixed by the county governing body. The compensation provided herein shall be payable to only one clerk in the office of the tax assessor and to only one clerk in the office of the tax collector, and shall be paid out of the general fund of the county on warrants drawn as prescribed by law, upon certification by the tax assessor or tax collector, as the case may be, that such clerk was actually employed.

Section 2. This Act shall become effective on the first day of the first month next following the date of its enactment.

Approved September 30, 1959.

Time: 10:02 A. M.

Act No. 216

H. 648—Grouby

AN ACT

To amend Sections 1 and 5 of Act No. 445, H. 858, approved August 23, 1947 (Local Acts of Alabama, 1947, p. 303), entitled "An Act To establish a Court of Common Pleas for Autauga County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said Court shall be open at all times for the trial of Cases and transactions of business; to provide the rules and procedure of said Court; to provide a fine and forfeiture fund for said Court; and to abolish the Civil and Criminal Court of Autauga County, Alabama, and the County Court of Autauga County, Alabama."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 445, H. 858, approved August 23, 1947 (Local Acts of Alabama, 1947, p. 303), entitled "An Act To establish a Court of Common Pleas for Autauga County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations; to provide that said Court shall be open at all times for the trial of Cases and transactions of business; to provide the rules and procedure

of said Court; to provide a fine and forfeiture fund for said Court; and to abolish the Civil and Criminal Court of Autauga County, Alabama, and the County Court of Autauga County, Alabama," is amended to read as follows:

"Section 1. There is hereby created and established in Autauga County, Alabama, an inferior court to be known as the Court of Common Pleas. The court created herein shall have and exercise civil and criminal jurisdiction as hereinafter provided, but such court shall not be a court of record."

Section 2. Section 5 of said Act No. 445 is amended to read as follows:

"Section 5. The Judge of this Court shall receive a salary not less than two thousand four hundred dollars (\$2,400.00) nor more than three thousand six hundred dollars (\$3,600.00) per annum. Said salary shall be determined by the Board of Revenue or Commissioners Court of Autauga County, Alabama, payable in equal monthly installments out of the general fund of Autauga County, Alabama, upon the warrant of the Probate Judge of Autauga County, Alabama, which he is hereby authorized and directed to issue monthly, and which warrants shall be a preferred claim against said general fund."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:03 A. M.

Act No. 217

H. 649—Grouby

AN ACT

To fix the compensation of the coroner of Autauga County and provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Autauga County shall receive a salary of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) per month, the exact amount of which shall be fixed by the board of revenue, court of county commissioners, or other like governing body of Autauga County and paid out of the general fund of the county on warrants drawn as prescribed by law.

Section 2. This Act shall become effective on the first day of the first month next following the date of its enactment.

Approved September 30, 1959.

Time: 10:04 A. M.

Act No. 218

H. 650—Grouby

AN ACT

Fixing the compensation of members of the board of education of Autauga County, and providing for the payment of expenses incurred by the members thereof in attending meetings and transacting business of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of Autauga County shall receive from the public school funds of the county the sum of fifteen dollars (\$15.00) per day for attendance at meetings of the board, plus actual hotel and travel expenses incurred in attending meetings and transacting business of the board. Members of the board shall not be allowed per diem for more than twenty-four (24) days in any one year. Such compensation and expenses shall be paid in the same manner as provided for the payment of the compensation of teachers.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:05 A. M.

Act No. 219

H. 663—Goodwyn, Pierce, Bailey

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery so as to include within the corporate limits thereof certain additional territory in Section 11, T16N, R18E, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the southwest corner of SW $\frac{1}{4}$ of Sec. 11, T16N, R18E, Montgomery County, Alabama, thence N 84° 21' E a distance of 1321.49', thence N 05° 52' W a distance of 2551.34' more or less, to the south line of U. S. Highway No. 80 (Federal Project No. 216 (5)), thence westerly along the south line of said Federal Project No. 216 (5) a distance of 1337.58' more or less to the west line of Sec. 11, T16N, R18E, thence continuing westerly along the south line of Federal Project No. 216 (5) a distance of 240 ft. more or less, to the west property line of Louise and Myles

Thornton, thence south along said west property line 340.2', more or less, to the south line of said Thornton property, thence east along the south line of the Thornton property 240 ft., more or less, to the west line of Sec. 11, T16N, R18E, thence S 06° 11' E along the west line of Sec. 11 a distance of 2229.51 ft., more or less to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:06 A. M.

Act No. 220

H. 670—Sullivan

AN ACT

To amend an act entitled "An act to provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of an act entitled "An act to provide for the election of a County Superintendent of Education for Pickens County, Alabama, by the qualified voters of said county, to fix his term of office, to prescribe his salary and the manner of payment, to define his qualifications, powers, and duties and to provide for the election of his successor in office" as approved August 27, 1935, and as subsequently amended, be and the same is hereby further amended so as to read as follows:

Section 3. That the salary of the Superintendent of Education of Pickens County shall be in such amount as shall be directed by the County Board of Education of such county, but in no event to exceed six thousand dollars (\$6,000.00) per year, such salary to be fixed prior to the commencement of the term of office of such superintendent. In addition to such salary the Board of Education of such county is hereby authorized, from time to time, to fix, authorize and approve the payment of traveling expenses incurred by the Superintendent of Education in an amount not to exceed two thousand four hundred dollars (\$2,400.00) per annum.

Section 2. All laws or parts of laws, local, special or general, in conflict with the provisions of this act are hereby repealed.

Section 3. The provisions of this act are to become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law, provided, however, that the

provisions hereof, as they relate to the salary of the officer concerned, shall not become effective until the commencement of the next term of his office following passage and approval of this act.

Approved September 30, 1959.

Time: 10:07 A. M.

Act No. 221

H. 577—Hardy, Hain, Gilmer

AN ACT

To authorize all cities in the State of Alabama having a population exceeding 20,000 and not exceeding 23,000 inhabitants, according to the 1950 or any succeeding regular decennial Federal Census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees whose salaries are paid on a monthly basis, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be conducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit, on the basis of such valuation, increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provisions of this act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, except that the provisions of this act shall not be applicable to any retirement system heretofore established by local act of the Alabama Legislature, on the basis of an interest rate not in excess of four per centum per annum, and mortality disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this act to provide for the cessation, limitation or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that

the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to and have application in all cities in the State of Alabama having a population exceeding 20,000 and not exceeding 23,000 inhabitants according to the 1950 or any succeeding regular decennial Federal Census or which shall hereafter have such population according to any federal decennial census that may hereafter be taken and shall not apply to any city for which a retirement system has heretofore been established by local act of the Alabama Legislature, or have application in, any other city. Any such city may enact ordinances to establish and maintain a general system of pensions and retirements, which may include allowances payable on retirement for age or disability, or benefits on separation from service, with necessary classification and terms of admission; and to provide that upon the establishment of any system of pensions and retirements the hereinafter named employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as may be deemed expedient to admission to such pension or retirement system. Said general system of pensions and retirements shall be for the benefit of such city's regular employees and the regular employees of any Board or Commission and any person or persons employed by such city and performing the duties of a regular employee in the service of the city and whose compensation is computed on a per diem basis shall be considered a regular employee in the service of the city, and the time during which such employee is or has been employed on a per diem basis shall be considered continuous and such employee shall be given credit for being an employee in the service of the city during the entire period of time that he or she has been available for service on a per diem basis and his or her employment shall, for the purpose of computing his or her length of service, be treated as though said employee has been a permanent and regular employee of the city for the entire period for which he or she has been on call or serving and performing his or her duties as a regular employee in the service of the city notwithstanding the fact that his or her compensation or salary was computed on a per diem basis. It is the intention here to provide that an employee who performs the duties of a regular employee in the service of the city, although his or her compensation is computed on a per diem basis, shall have his or her length of service in employment computed and counted for the entire period for which said employee has been

engaged and on call and available for continuous service. Such ordinances shall prescribe the manner in which the system may be conducted and its funds collected and disbursed.

Section 2. Cities enacting such ordinances as provided in Section 1 shall establish such board for the administration of the fund as is deemed expedient, or may provide for the governing body of the city as the administrative board. The board provided for in this section is hereafter referred to as the Board.

Section 3. The participating employees and the city shall contribute to the funds of such retirement system organized under the provisions of this act, and the rates of contribution shall be fixed by the Board upon the basis of actuarial valuations and shall be adequate to support the benefits granted. The Board shall have prepared annually an actuarial valuation of the assets and liabilities of the system, and on the basis of such valuations may increase or decrease the rates of contribution whenever such action is deemed by the Board to be necessary to preserve the solvency and equity of the system.

Section 4. A pension or retirement system organized under the provisions of this act shall create and maintain reserves on the basis of an interest rate not in excess of four per centum per annum and mortality, disability and other experience tables based on reliable experience for such, or a similar group of employees, which reserves shall be calculated to be adequate to cover the liabilities on account of benefits payable under the ordinance; provided, however, that the reserves required in respect of service rendered or benefits granted prior to the date of organization of such system under the provisions of this act may be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment hereunder.

Section 5. The organization under this act of a retirement system may provide for the cessation, limitation, or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system, provided that any funds of such former system transferred to the newly organized system shall be first applied to the payment of the benefits on account of which such funds were contributed. None of the provisions of this act shall apply to any city for which a retirement system has heretofore been established by local act of the Alabama Legislature.

Section 6. The funds of such retirement system organized under the provisions of this act shall be held independently of the funds in the treasury of the city, and shall constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system. The ordinance shall provide for trustees, who

may be members of the Board, to invest and reinvest the funds of the system under such terms and restrictions in the manner of making investments as are provided in Act No. 515, approved July 9, 1945, establishing a state employee's retirement system, found in General Acts of Alabama of 1945, pages 734 to 752.

Section 7. The property of a pension or retirement system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system, shall be exempt from taxation and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken on execution or other process to satisfy any debt or liability of any member of the system. No assignment of any right in or to said funds, or of any benefit payable under the provisions of the ordinance, shall be valid.

Section 8. If any section, paragraph, sentence, clause, provision or portion of this act be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act, not in itself unconstitutional or invalid.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:30 A. M.

Act No. 222

H. 579—Johnson (Hardaway),
Johnston (Leonard)

AN ACT

To repeal the local act approved July 29, 1955, entitled "An Act relating to Elmore County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants, and the office space and equipment necessary for the conduct of their offices, (Act No. 171, H. 413, Acts 1955, vol. I, pp. 436-437).

Be It Enacted by the Legislature of Alabama:

Section 1. The Act approved July 29, 1955, entitled "An Act relating to Elmore County; changing the method of compensating certain county officers; placing such officers on a salary; and providing for their assistants, and the office space and equipment necessary for the conduct of their offices, (Act No. 171, H. 413, Acts 1955, vol. I, pp. 436-437) is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:31 A. M.

Act No. 223

H. 580—Johnston (Leonard),
Johnson (Hardaway)

AN ACT

To amend Sections 1 and 3 of the act approved May 26, 1955, regulating the taking of fish from public streams and impounded waters in Elmore and Tallapoosa counties (Act No. 17, H. 93, Acts of Alabama 1955, Vol. I, pp. 229-231); prohibiting fishing with baskets and nets in the Coosa River or in the impounded waters thereof inside the boundaries of Elmore County, and making further provisions for the use of revenues derived from the sale of licenses in Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 3 of the act approved May 26, 1955, regulating the taking of fish from public streams and impounded waters in Elmore and Tallapoosa counties (Act No. 17, H. 93, Acts of Alabama 1955, Vol. I, pp. 229-231) are hereby amended to read as follows:

"Section 1. Any person duly licensed as provided in this Act may take, capture, and kill catfish from the public streams and impounded waters of Tallapoosa and Elmore counties for his domestic use or consumption by the use of baskets or nets, including wire mesh baskets having a mesh of one inch or more; provided, that no person shall be licensed to fish with more than four such baskets or nets; and provided further, that no person shall be licensed, permitted, or allowed to fish with such baskets or nets in the Coosa River or in the impounded waters thereof inside the boundaries of Elmore County. Whoever sets, or fishes with such baskets or nets in the Coosa River or the impounded waters thereof within Elmore County is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law.

"Section 3. All revenue heretofore accumulated or hereafter derived from the sale of licenses as provided in this Act in Tallapoosa County shall be used by the county for stocking streams and impounded waters in the county with game fish, or for feeding and cultivation of game fish, or for the enforcement of state laws and maintaining law and order on such streams and impounded waters and along the shores thereof in Tallapoosa County, or for aquatic recreational purposes as may be deemed proper by the court of county commissioners, board of revenue, or other like governing body of Tallapoosa County. All revenues heretofore accumulated or hereafter derived from the sale of licenses as provided in this Act in Elmore County shall be used for conservation purposes or for aquatic recreational purposes as may be deemed proper by the state department of conservation and the commissioners court of Elmore County, under the direction of the state department of conservation and the commissioners court of Elmore County. Provided, the probate judge of the county where the license is issued may retain five percent of the revenue collected for issuing such license and collecting such taxes."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:32 A. M.

Act No. 224

H. 581—Rozelle

AN ACT

To alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines of the City of Brewton, Escambia County, Alabama be and the same are altered and re-arranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory described as follows:

All of the East Half of the Southeast Quarter of the Northwest Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$ of $NW\frac{1}{4}$) that lies East of Garrett Farm Road; and all of the East Half of the Northeast Quarter of the Southwest Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$) that lies North and East of Garrett Farm Road; all in Section Thirty-one (31), Township Two (2) North of Range Ten (10) East, in Escambia County, Alabama.

Section 2. That this Act shall go into effect immediately upon its approval by the Governor.

Approved September 30, 1959.

Time: 10:33 A. M.

Act No. 225

H. 582—Rozelle

AN ACT

To vacate and annul the dedication to public use, prescribed in a deed to the City of Brewton from John R. Downing, as trustee for R. M. Jernigan, John R. Downing, and Thomas E. McMillan, then owners of Lincoln Park Subdivision, in the City of Brewton, to that certain parcel or tract of land hereinafter described by metes and bounds which is a part of that tract, lot or parcel of land designated as "Park" on the map of such subdivision on record in Map Book 3, at page 31 in the probate records of Escambia County, and more particularly described in the above mentioned deed, recorded in Deed Book 96 at page 562, probate records of Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. The dedication of that part of that certain lot, parcel, or tract of land in Lincoln Park Subdivision in the City of Brewton, which is hereinbelow particularly described, to the public use prescribed therefor in warranty deed from John R. Downing, as trustee, for R. M. Jernigan, John R. Downing and Thomas E. McMillan then owners thereof to the City of Brewton on March 22, 1946, recorded in Deed Book 96, page 562, probate records of Escambia County, is hereby vacated and annulled. Said land is a part of the land designated on the map or plat of said Lincoln Park Subdivision, which is recorded in Map Book 3, at page 31, in the probate records of Escambia County, as "Park" and was conveyed to the City of Brewton by said warranty deed, and is described by metes and bounds as follows:

Commencing at the Southwest corner of the North Half of the South Half of the Southwest Quarter of the Northeast Quarter (SW cor. of N $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty-one (21), Township Two (2) North of Range Ten (10) East, thence run East 25 feet to a point on the East line of Sowell Farm Road to make or form a starting point, thence run East 312 feet to a point on the center of a branch, thence run in a Northerly direction along the center of said branch 671 feet to a point on the South line of Liles Boulevard; thence run West along the South line of said Liles Boulevard 209 feet to a point on the East line of Sowell Farm Road, thence South along East line of said Sowell Farm Road 660 feet to the starting point.

The said public use of such land is hereby discontinued and abolished; and the right of the public to use the same is hereby extinguished.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:34 A. M.

Act No. 226

H. 588—Copeland, Hanby

AN ACT

To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama; to provide for the composition of said board; to provide for a secretary-treasurer of said board; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal pro-

cess; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Be It Enacted by the Legislature of Alabama:

Section 1: There is hereby created, in connection with the regularly organized and paid police department and fire department of the City of Gadsden, Alabama A BOARD OF TRUSTEES OF THE POLICEMEN AND FIREMEN'S RETIREMENT FUND by which name the said board shall be known and called to be constituted and selected as hereinafter provided and directed; and in the City of Gadsden, Alabama there is hereby created a policemen and firemen's retirement fund, for the benefit of the persons hereinafter named, to be derived and raised in the manner hereinafter provided.

Section 2: The said board of trustees of the policemen and firemen's retirement fund shall be composed of five members consisting of the Commissioner of the City Governing Body who has supervision over the police and fire departments, who shall be Chairman of said board of trustees; the Chief of such police department and the Chief of such fire department; one first-class patrolman of the police department to be elected for a four-year term within thirty (30) days after the enactment of this Act by a simple majority vote of the police department; and one first-class fireman to be elected for a four-year term within thirty (30) days after the enactment of this Act by a simple majority vote of the fire department; all of whom shall serve without compensation. In the event of a vacancy in either of the latter two positions, the successor or successors shall be elected in the same manner within thirty (30) days after the occurrence of such vacancy.

Section 3: Said board of trustees, with the approval of the governing body of such city, shall have the power and authority to appoint a secretary-treasurer of said board who shall serve at the pleasure of said board and who shall receive as compensation for his services the sum of (\$25.00) twenty-five dollars per month or such other amount of compensation as said board of trustees shall provide by majority vote and approved by the governing body of such city and to be paid on the first day of each month by warrant drawn in like manner as other warrants on such fund. Said secretary-treasurer of said board of trustees is hereby made, and it shall be his duty to be the custodian of all moneys belonging to the policemen and firemen's retirement fund, and all moneys belonging to such fund, and all money or other property belonging to any similar fund now or hereafter maintained in such cities shall be promptly paid to him. The said secretary-treasurer shall also be custodian of all securities and things of value belonging to such fund. Said secretary-treasurer shall before taking office, make bond in a sum to be fixed from time to time by resolutions

of the governing body of any such city, to be approved by the chairman of said board of trustees, in a surety company authorized to do business in Alabama for the faithful performance of the duties imposed upon him under this subdivision, and for the faithful accounting of all moneys, securities, and things of value which may come into his hands, as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the resignation or removal from office of such secretary-treasurer he shall surrender and deliver up to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of such fund. It shall be the duty of the secretary-treasurer of said board to keep, in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be assigned to him by the board of trustees.

Section 4: The said board of trustees of the policemen and firemen's retirement fund is hereby declared to be the trustee of said policemen and firemen's retirement fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. Said board of trustees shall have the power to recommend such rules and regulations as may be necessary to enable it to effectively and properly carry into execution the purposes for which it was organized and created, and to enable it to properly manage and conduct the business and affairs entrusted to it, provided such rules and regulations shall in no way contravene the provisions of this Act; and provided further that such rules and regulations so recommended shall not become effective until written notice of such recommendations is posted in a conspicuous place in the police department and fire department, and after ten (10) days notice thereof, an election is held in each of said departments in which election a simple majority of the contributing members in each of said departments, by secret ballot, vote in favor of such recommendations. The board of trustees shall hear and decide all applications for pensions or relief under this Act and its decisions shall be final except for an appeal as hereinafter provided. The said board of trustees shall meet whenever the chairman thereof shall call a meeting of such board.

Section 5: The policemen's and firemen's retirement fund shall consist of the following, namely: (a) All of the money, securities, and things of value belonging to any similar fund that may now or hereafter be maintained in the City of Gadsden: (b) all moneys or properties that may be given or donated to said fund by any persons, firm, association, or corporation for the uses and purposes for which said fund is created; and said board may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or any interest therein, or any right of property, for the benefit of said fund; (c) four per cent of the monthly salaries

of each member of such police and fire departments, which shall be paid by the city clerk to the secretary-treasurer of said board of trustees on the first day of each month; and said four per cent of such salaries shall be deducted from said salaries paid such members; (d) all reward money paid to any member of such police and fire departments shall be paid by the recipients of the same into said retirement fund promptly upon receipts of the same; (e) all civil or criminal witness fees received by any member of the police and fire departments for attendance at or before any court or grand jury in Etowah County are located shall be paid into said retirement fund promptly upon the receipt of such fees by the recipients of the same; (f) the governing body of the city shall cause to be paid into said policemen's and firemen's retirement fund, out of the treasury of such city, an amount equal to eight per cent of the salary of each member of such police and fire departments who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section; (g) the city clerk shall cover into said fund all seizure fees collected by the city in cases involving violation of the prohibition laws since the 1st day of February, 1946, and all such fees hereafter collected by the city.

Existing funds and property belonging to or part of any existing similar fund now or hereafter governed by the provisions of this Act, shall be held and administered, used and governed, and transferred and covered into the policemen's and firemen's retirement fund as provided herein, immediately upon this law, becoming effective.

Section 6: The board of trustees of the policemen and firemen's retirement fund may, at any time, with the approval of the governing body of the City of Gadsden, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment shall be made, and all proceedings of said board of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by purchase of the interest bearing bonds of the United States of America, or in any bond, stock, security, investment, or deposit which is guaranteed by the United States Government or any of its instrumentalities. All income from such investments shall be and become a part of said policemen and firemen's retirement fund. All such securities shall be deposited with the secretary-treasurer of said board of trustees, and shall be subject to the management and control of said board of trustees of the policemen and firemen's retirement fund.

Section 7: The said board of trustees shall make a monthly

report to the Board of Commissioners to the City of Gadsden concerning the condition of such policemen and firemen's retirement fund. The said board of trustees shall keep minutes of every meeting in a well bound book designed for that purpose which said minute book shall be available to any contributing member of said police department or fire department on his request. Each six months said board of trustees shall post in a conspicuous place in each police station and each fire station in the City of Gadsden a statement itemizing all receipts, disbursements, expenditures and pensions paid by said board for the preceding six (6) months period, stating in detail the source of such receipts, and to whom all such expenditures, disbursements and pension payments were made, together with the amount of each. All such records shall be available to any of said contributing members at any time upon request.

Section 8: All moneys ordered to be paid from such policemen and firemen's retirement fund shall be paid by the secretary-treasurer of such fund only upon warrants signed by the chairman of such board of trustees and countersigned by one associate member of such board of trustees and by the secretary-treasurer; and no warrant shall be drawn on such fund except by order of the said board of trustees, which shall be duly and regularly entered in the record of the proceedings of the said board of trustees. Any moneys wrongfully paid from such fund shall be charged against the members of said board of trustees.

Section 9: No portion of the said policemen and firemen's retirement fund shall, before or after its order for distribution by the said board of trustees to the person or persons entitled thereto under the provisions of this subdivision, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree, or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund, but shall be exempt therefrom. Said fund shall be sacredly kept, held and distributed for the purposes named in this subdivision, and for no other purpose whatsoever.

Section 10: If at any time there shall not be sufficient money in such policemen and firemen's retirement fund to pay each person entitled to the benefit thereof the full amount per month as herein provided, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries.

Section 11: Any member of such police or fire department who has been in continuous service thereof for as long as twenty

years, upon making written application to the board of trustees therefor, shall, without medical examination or disability, be retired from service in such department, and, upon such retirement, the board of trustees shall direct the payment to such retired member, monthly, from such fund, the amount hereinafter provided for his particular position, office, salary, or class of work.

Section 12: Said board of trustees shall have the power and authority and it is hereby made mandatory that it shall retire from service in the police or fire departments any member thereof upon attaining the age of sixty-five years without regard to the length of service of such member; and upon such retirement, the said board of trustees shall direct the payment to such retired member, monthly, from such fund, the amount hereinafter provided for his particular position, office, salary, or class of work.

Section 13: Except as otherwise provided in this subdivision each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the current salary being paid to persons holding the same rank as such retired member held at the time of his retirement.

Section 14: If any member of such police or fire department becomes or be found to be physically or mentally permanently disabled for service in such police or fire department so as to render his retirement from such service necessary, said board of trustees shall retire such disabled member from service in such department and upon such retirement, said board of trustees shall order the payment of such disabled member, monthly, from such fund, the amount hereinafter provided for his particular position, office, salary, or class of work.

Section 15: After any member of such police or fire department shall have retired upon pension by reason of disability, the said board of trustees shall have the right, at any time, to cause such retired member to be brought before it and examined by the city physician or other competent physicians or surgeons, to be selected by it, and also to examine other witnesses for the purpose of discovering whether such disability yet continues, and whether such retired member should be continued on the pension roll, but such retired member shall remain upon the pension roll until reinstated in the active service of such police or fire department. Such retired member shall be entitled to notice, and to be present at the hearing of any such evidence, shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath; and any member of such board of trustees is hereby authorized and empowered to administer such oath to such witnesses.

Section 16: If any active member of such police or fire department, or any member of such department on official leave of absence from such department and in the armed forces of the United States, shall die from any cause whatever, leaving a widow, said board shall direct the payment from said fund, to said widow, a sum equal to fifty per cent of the amount specified in this Act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his death, said monthly payments to continue to such widow during her natural life and while unmarried. Should such deceased member leave no surviving widow, but leave surviving him a child or children under sixteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of sixteen years, a sum equal to fifty per cent of the amount specified in this Act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his death, to the person having control and custody of such child or children or to such other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees. Should such deceased fireman or policeman leave no widow or child, but a widowed mother entirely dependent upon him for support, the board of trustees shall pay to her monthly, during her natural life, so long as she remains unmarried, a sum equal to fifty percent of the amount specified in this Act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his death.

Section 17: If any retired member of such police or fire department shall die from any cause, leaving a widow, said board shall direct the continuation, from the date of such death of fifty per cent of the monthly retirement payments of such deceased retired member, to be paid to such widow of such deceased retired member during her natural life and while unmarried. Should such deceased retired member leave no widow surviving him, but leave surviving him a child or children under sixteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of sixteen years, a sum equal to fifty percent of the monthly retirement payments of such deceased retired member to the person having control and custody of such child or children or to some other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees. Should such deceased retired fireman or policemen leave no widow or child, but a widowed mother, entirely dependent upon him for support, the board of trustees shall pay to her monthly, during her natural life, so long as she remains unmarried, a sum equal to fifty per cent of the monthly retirement payments of such deceased retired member.

Section 18: When the widow, or children, or widowed mother of an active or retired member of the police or fire departments shall be entitled to benefits under this subdivision, such widow, or children, or widowed mother shall make or cause to be made an application to the board of trustees through the secretary-treasurer of such board which shall show, in the case of the widow, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence; and proof of the widowhood of the mother of such deceased member, and her dependency for support upon him, shall be shown by affidavits of such widowed mother or disinterested persons; and the ages of such children shall be shown by birth certificate or other competent evidence. All such applications and proofs shall be kept and retained in the custody of the said board of trustees.

Section 19: If any member of the police and fire departments is discharged from or for any reason leaves the employment of such police or fire departments before he becomes entitled to any of the benefits provided for in this subdivision, he shall forfeit all right to such benefits and to any moneys that may have been paid into said fund by or for him.

Section 20: No member of said police department or fire department, who is not now contributing to said retirement fund, shall be entitled to participate in said retirement fund, or required to make contributions thereto, unless at the time he qualifies therefor he may be not less than twenty-one (21) years of age and not more than thirty-five (35) years of age, establish by an examination of him by a duly licensed and practicing physician that he is physically and mentally sound, and establish by examination of duly licensed and qualified specialists that his vision, hearing and heart are in good physical condition.

Section 21: The term "member of such police department" shall include Chief of Police, Assistant chiefs of police, chief of detectives, Captain of police, Lieutenants of police, Sgts. of police, Identifications officers, Superintendent of identification, Lieutenant of detectives, patrolmen and any full time, regularly employed and compensated, bonded and sworn peace officer under the direct supervision of the chief of police of the City of Gadsden, Alabama. The term "member of such fire department" shall include the following in said department: Chief, Assistant Chiefs, Captains, Lieutenants, Mechanics, Drivers, Firemen, Fire Marshall or Fire Inspector, Drill Master or Instructor, Division or Battalion chiefs, Superintendent of Fire Alarm Systems, and any full time, regularly employed and compensated, officer or employee engaged in fire fighting under the direct supervision of the chief of said fire department. No other officer, employee or person shall be eligible to participate in said retirement fund, notwithstanding the provisions of any Civil Service Law, State Statute, City Ordinance or rules and regulations of said board.

Section 22: There shall be kept by the secretary-treasurer of the board of trustees a book to be known as the list of retired policemen or firemen. Such book shall also give a full and complete history and record of the action of the said board of trustees in retiring any and all persons under this subdivision, showing the names, date of entering the service of such police or fire department, date of retirement and the reason for such retirement, if any.

Section 23: It shall be the duty of the city attorney or such assistant city attorney as may be designated by the Board of Commissioners of the City of Gadsden to give advice to the said board of trustees in all matters pertaining to the duties of the said board of trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said board of trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and in all suits and actions in its behalf that may be required or determined upon by said board of trustees. Such city attorney shall serve as such attorney of the board of trustees without compensation additional to the salary paid him as such city attorney.

Section 24: Said board of trustees shall be authorized to pay out of such fund all reasonable and necessary expenses including cost of bond herein provided for that may be incurred by it in and about the management and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary or compensation for their services out of said fund.

Section 25: Within ten (10) days after any final decision of the board of trustees, any party including the governing body of such city feeling aggrieved at the decision of the board of trustees may appeal from any such decision to the circuit court of the county in which such city is located and such appeal shall be heard by a judge sitting without a jury. Upon the filing of any such appeal, notice thereof shall be served upon any member of the board of trustees by the appellant. Such appeal shall be heard by the court at the earliest possible date, and it shall not be necessary on any such appeal to enter exceptions to the rulings of the board of trustees and no bond shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant with the clerk of said court. An appeal may be taken from any decision of such court to the court of appeals of Alabama or the supreme court of Alabama as now provided by law.

Section 26: The provisions of this Act shall supercede all existing provisions of law relating to the policemen and firemen's retirement fund of the City of Gadsden and any such fund existing at the time of the passage of this Act is hereby transferred to and

made a part of the retirement fund created in this Act. All other laws, or parts of laws, in conflict herewith are hereby expressly repealed.

Section 27: This Act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:35 A. M.

Act No. 227

H. 589—Martin

AN ACT

To amend Sections 3 and 4 of an act approved June 29, 1951, providing for the construction and maintenance of the roads and bridges in Greene County on a county-unit basis (Act No. 149, H. 441, Acts 1951, p. 383), in relation to the compensation of the chairman and members of the court of county commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3 and 4 of an act approved June 29, 1951 providing for the construction and maintenance of roads and bridges in Greene County on a county-units basis (Act No. 149, H. 441, Acts 1951, p. 383) are hereby amended to read as follows:

"Section 2. The chairman of the Court of County Commissioners shall be the purchasing agent for the county and shall receive a salary of two hundred dollars per month for the performance of his duties as chairman and as county purchasing agent.

"Section 3. Each of the four associate members of the Court of County Commissioners shall receive a salary of two hundred dollars per month for the performance of his duties. Such salary shall be in lieu of all other compensation, mileage allowance, fees or other allowances for the performance of their duties."

"Section 4. This act shall take effect at the expiration of the terms of the incumbent officers affected, as provided in the Constitution.

Approved September 30, 1959.

Time: 10:39 A. M.

Act No. 228

H. 590—Martin

AN ACT

To fix the compensation of the deputy solicitor of Greene County.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the deputy solicitor appointed

for Greene County shall be an annual salary of two thousand four hundred dollars (\$2,400), and shall be payable in equal monthly installments from the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall take effect on the first day of the month next following the date of its enactment.

Approved September 30, 1959.

Time: 10:36 A. M.

Act No. 229

H. 593—Adams (Houston)

AN ACT

To alter, re-arrange and extend the boundaries of the Town of Kinsey in Houston County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Kinsey, in Houston County are hereby altered, re-arranged and extended so as to embrace within the Corporate limits of said Municipality an area of 4 square miles as follows:

Commencing at a point on the Houston & Henry County line at the NW corner of Section 20, Township 4N, Range 27E, and running thence in a Southerly direction along the West line of Section 20 and 29 of Township 4N, Range 27E to a point on the SW corner of said Section 29; thence running in an Easterly direction along the South line of Section 29 and 28 of Township 4N, Range 27E to a point on the Southeast corner of said Section 28; thence running in a Northerly direction along the East line of Sections 28 and 21 of Township 4N, Range 27E to the NE corner of said Section 21 and the Henry County line; thence running in a Westerly direction along the North line of Sections 21 and 20 of Township 4N, Range 27E to the starting point:

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:37 A. M.

Act No. 230

H. 597—Turnham, Torbert

AN ACT

To authorize the court of county commissioners or like governing body of Lee County to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies, and associations selling, distribut-

ing, or delivering any malt or brewed beverages to retailers in Lee County; to authorize the court of county commissioners or like governing body of Lee County to collect the tax and to distribute among the incorporated municipalities within the county their pro rata share of the proceeds; to authorize the court of county commissioners to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners or like governing body of Lee County may levy a privilege or license tax on all persons, corporations, co-partnerships, companies, agencies, and associations selling, distributing, or delivering to retailers in Lee County any malt or brewed beverages, (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume), which tax shall be in an amount equal to not more than two cents on quantities of twelve fluid ounces or less, three cents on quantities of more than twelve but not exceeding sixteen fluid ounces, and four cents on quantities of more than sixteen but not exceeding twenty-four fluid ounces; and two cents on each twelve fluid ounces or fractional part thereof in excess of twenty-four fluid ounces of malt or brewed beverages sold, delivered or distributed to retailers located in the county. The privilege or license tax herein authorized shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law.

Section 2. The privilege or license tax authorized by this Act shall be collected by, or under the supervision of, the court of county commissioners or like governing body of Lee County, and the court of county commissioners or like governing body shall apportion and distribute the proceeds of the tax among the county and each incorporated city or town within or extending into the county, so that the portion of the proceeds collected within the corporate limits or police jurisdiction of each incorporated city or town within or extending into the county shall be paid over to such city or town and the portion of the proceeds collected in the county outside the corporate limits and police jurisdictions of incorporated cities or towns within or extending into Lee County shall be retained by the county. The portion of the proceeds paid hereunder to each incorporated municipality within the county shall be covered into the general funds of the city or town; and the portion of the proceeds retained by the county shall be covered into the general fund of Lee County, to be used for governmental purposes of the county as other moneys in the general fund of Lee County are now used.

Section 3. The court of county commissioners or like governing body of Lee County may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license tax authorized by this Act, and may

also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expenses of compliance with such rules and regulations. The court of county commissioners or like governing body may employ such personnel as may be needed to collect and enforce the tax, and shall fix their compensation and tenure. Each city or town receiving any funds under this Act shall provide aid and assistance in enforcing the tax herein authorized within its territory.

Section 4. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the court of county commissioners or like governing body of Lee County shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 5. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed by this Act shall pay, in addition to the tax, a penalty of ten percent of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied became payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective on the first day of the second month immediately after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:38 A. M.

Act No. 231

H. 598—Torbert, Turnham

AN ACT

Relating to Lee County; providing for the compensation of the deputies to the sheriff of Lee County, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of Lee County shall pay the compensation of the chief deputy to the sheriff in an amount not less than two hundred fifty dollars (\$250.00) nor more than three hundred fifty dollars (\$350.00) per month. The county

governing body shall also pay the compensation of two other deputies to the sheriff, each of whom shall receive a salary of not less than two hundred dollars (\$200.00) nor more than three hundred dollars (\$300.00) per month. The exact amount of compensation to be paid to each of such deputies hereunder shall be fixed by the county governing body, and shall be paid out of the general fund of the county in the same manner as the salaries of other county employees.

Section 2. Act No. 16, H. 66, approved May 18, 1951 (Acts of Alabama 1951, p. 218), Act No. 670, H. 1032, approved September 4, 1951 (Acts of Alabama 1951, p. 1158), and all other laws or parts of laws in conflict with this Act, are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:39 A. M.

Act No. 232

H. 599—Torbert, Turnham

AN ACT

To amend Section 4 of Act No. 220, H. 679, approved July 12, 1949 (Acts of Alabama 1949, p. 312), entitled "An Act Creating the office of county solicitor of Lee County; providing the method of filling the office; and fixing the compensation and defining the duties of such solicitor," by fixing the compensation of the county solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 220, H. 679, approved July 12, 1949 (Acts of Alabama 1949, p. 312), entitled "An Act Creating the office of county solicitor of Lee County; providing the method of filling the office; and fixing the compensation and defining the duties of such solicitor," is amended to read as follows:

"Section 4. For his services the county solicitor of Lee County shall receive an annual salary of two thousand four hundred dollars (\$2,400) payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid."

Section 2. This Act shall become effective upon the expiration of the term of office of the incumbent county solicitor of Lee County.

Approved September 30, 1959.

Time: 10:41 A. M.

Act No. 233

H. 600—Torbert, Turnham

AN ACT

Relating to and providing for the reidentification of electors in Lee County; directing the board of registrars to purge the lists of registered electors; and providing the penalty for anyone willfully making a false statement in connection with such reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Lee County is hereby directed to purge all lists of the registered electors of Lee County to the end that the names of all who are deceased or nonresidents of the county, or who have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The board of registrars of Lee County shall omit and remove from the lists of qualified electors of the county the name of every person who fails to reidentify himself in one of the ways hereinafter provided before the first day of October, 1962; provided, however, that no one who has registered as a qualified elector of the county since January 1, 1959, shall be required to reidentify himself. No person removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector, nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote at elections held in the county after the first day of October, 1962.

Section 3. A qualified elector may reidentify himself in any one of the following ways:

(a) He may reidentify himself by appearing in person at the office of the board of registrars or the judge of probate of Lee County, or before one of the duly authorized employees of the judge of probate, and answering such questions and submitting such proof as may be set forth hereinafter to establish the elector's identity and place of legal residence and that the elector has not become disqualified from voting in the county.

(b) He may also reidentify himself at any election at which the elector votes prior to October 1, 1962, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election, who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the judge of probate for transmittal to the board of registrars.

(c) A qualified elector who is on active duty in the Armed Forces of the United States, or the husband or wife of a member of the Armed Forces on active duty, may also reidentify himself or herself by filling in and mailing to the office of the judge of probate the completed answers to such questions as are set forth in the questionnaire hereinafter detailed, and the elector's signature to such questionnaire must be witnessed by a commissioned officer of the Armed Forces.

(d) The board of registrars shall furnish a sufficient number of blank questionnaires to the judge of probate, and also to the sheriff, party executive committee, or other officer, agency, or committee charged with the duty of sending out election supplies, who shall cause a sufficient number thereof to be sent to each voting place at each election to be held prior to October 1, 1962.

(e) The questionnaire shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

Lee County, Alabama

Date: _____, 19____

Name: _____
 (First) (Middle) or (Maiden) (Last)

Legal Residence Address: _____
 (Street or Route)

City or Town: _____

State: _____

Date of Birth: _____ Sex _____ Color _____

I now vote and I am a qualified elector in Precinct or Beat No. _____, Box No. _____, and I have not been convicted of a criminal offense which disqualifies me from voting nor am I otherwise disqualified from voting in this county.

I have resided in Precinct or Beat No. _____ for the past three months.

Signed: _____
 (Signature of Elector)

Witnessed before me this the _____ day of _____, 19____.

Registrar—Judge of Probate—Election Official—Commissioned Officer U. S. Armed Forces.

Section 4. Any qualified elector of Lee County who shall have his or her name omitted or removed from the lists of qualified electors in the county by reason of his or her failure to reidentify himself or herself as hereinabove provided, or whose name is otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by ap-

pearing in person and reidentifying himself or herself in person at the office of the board of registrars or judge of probate in the manner hereinabove provided. However, after September 1, 1962, every qualified elector must have reidentified himself or herself at least thirty days prior to voting.

Section 5. Whoever knowingly makes a false statement in answer to the reidentification questionnaire to the board of registrars or the judge of probate or the duly authorized employees of the judge of probate or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Armed Forces, is guilty of perjury, and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 6. The court of county commissioners, board of revenue, or like governing body of Lee County, is hereby authorized and directed to furnish the board of registrars and the judge of probate the supplies, equipment, printed forms, stationery, stamps, clerical help and advertisements necessary for the reidentification of voters as herein provided.

Section 7. The board of registrars shall meet as often as necessary and on such dates as the board may by order fix for the purpose of purging the list of qualified electors of the county. The board may meet any number of days not exceeding thirty days from October 1, 1962 until April 1, 1963, in excess of the maximum now provided by law, for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.
Time: 10:42 A. M.

Act No. 234

H. 601—Torbert, Turnham

AN ACT

To amend further Act No. 242, H. 678, approved July 15, 1949, (Acts of Alabama 1949, page 361), which created and established the Court of Common Pleas of Lee County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 242, H. 678, approved July 15,

1949, (Acts of Alabama 1949, page 361) entitled "An Act Relating to Lee County: To create and establish in Lee County in lieu of the county court and the juvenile court, a court with county-wide limited jurisdiction of criminal cases, civil actions at law and of juvenile cases, said court to be known as the Court of Common Pleas of Lee County, Alabama; providing it with officers and providing their powers, duties, salary, compensation, their terms of office and the manner of their selection, appointment and election; regulating its procedure and process, and for the return of warrants thereto including all warrants for the violation of the rules of the road and similar offenses; and fixing the costs, charges and commissions collectible therein, and the compensation of its officers; abolishing the County Court and the Juvenile Court of Lee County; and providing for the transfer and trial of cases pending in the County Court of Lee County and in the Juvenile Court of Lee County, at the time this act takes effect, to the Court of Common Pleas of Lee County, Alabama," as amended, is hereby further amended to read as follows:

"Section 3. Judge. (a) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1950, and every four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

"(b) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution, in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of Lee County, learned in the law, and licensed to practice law in this State. Neither the judge nor his partner shall practice law in any criminal case in any court in Lee County, nor shall his partner appear as counsel in any civil case in the Court of Common Pleas, but they may appear as counsel in civil cases in any court except the Court of Common Pleas, and the judge shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution.

"(c) The judge shall receive an annual salary of three thousand six hundred dollars (\$3,600), payable out of the general fund of the county in equal monthly installments.

"(d) The judge shall have authority to: (1) grant writs of certiorari, supersedeas, quo warranto, mandamus, habeas corpus, and all other remedial and original writs which are granted by the circuit judges; (2) grant writs of injunction and ne exeat

returnable to a court of proper jurisdiction; (3) administer oaths and take acknowledgments; (4) issue search warrants; (5) exercise such other powers, jurisdiction, or authority as may be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace, including that of magistrates on preliminary examinations.

“(e) The judge shall keep an office within the county and the county governing body may provide such office in the county courthouse. His office shall be suitably furnished, equipped and provided at the expense of the county with such office supplies and stationery, stamps, furniture, fixtures, and other materials as may be necessary for the transaction of the business of the court.

“(f) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code.”

Section 2. Section 5 of said Act No. 242, H. 678, approved July 15, 1949, is hereby amended to read as follows:

“Section 5. Practice and Procedure. (a) Except as otherwise provided in this Act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing the circuit courts.

“(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within fifteen days, and the process issued shall so recite.

“(c) All garnishment proceedings in the court shall be governed by the provisions of Chapter 27 of Title 7, Code of Alabama 1940, except that the garnishee shall appear and file his answer within fifteen days after the service on him of process of garnishment and the process shall so recite.”

Section 3. Section 9 of said Act No. 242, H. 678, approved July 15, 1949, is hereby amended to read as follows:

“Section 9. Appeals and Certiorari. Any party aggrieved by a judgment, order, or ruling of the court, may, within fifteen days after the rendition thereof, appeal the decision as herein provided. 1. If the case is a civil case, the appeal or certiorari lies to the circuit court of Lee County and shall be governed by Article 6 of Chapter 8, Title 13 of the 1940 Code, where the trial

shall be de novo with trial by jury where demanded by either party as provided by Code 1940, Title 7, Section 264; or at the option of the appellant the appeal lies to the Court of Appeals, except as to actions involving possession of lands, and shall be governed by Article 1 of Chapter 3, Title 13 of the 1940 Code. Where a civil case is tried on appeal in the circuit court and the sum in controversy does not exceed one hundred dollars (\$100.00) the issues shall be made up as provided by Code 1940, Title 13, Section 486; otherwise the pleadings and trial shall be according to the regular rules of pleading and practice in the circuit court.

2. If the case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the circuit court and shall be governed by Sections 371 and 372 of Title 13 of the 1940 Code.

3. In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the 1940 Code but with appeal bond to be approved by the clerk and with trial by jury on demand by the defendant as prescribed by Code 1940, Title 15, Section 320; or at the option of the appellant to the Court of Appeals and shall be governed by Section 90 of Title 13 of the 1940 Code."

Section 4. Section 10 of said Act No. 242, H. 678, approved July 15, 1949, is hereby amended to read as follows:

"Section 10. Judgments. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11 of Title 7 of the 1940 Code, for parties in whose favor judgments are rendered by circuit courts or other courts of record."

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:43 A. M.

Act No. 235

H. 603—Reynolds (Madison),
Roberts

AN ACT

To amend further Section 4 of the act approved September 25, 1947 (Act No. 470, H. 899, Local Acts 1947, p. 329) relating to the office of chief clerk to the circuit solicitor of the Twenty-third Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of the act approved September 25, 1947 (Act No. 470, H. 899, Local Acts 1947, p. 329) relating to the

office of chief clerk to the circuit solicitor of the Twenty-third Judicial Circuit is hereby amended to read as follows:

"Section 4. The Chief Clerk shall be paid an annual salary not to exceed three thousand six hundred dollars (\$3,600), to be determined and fixed by the Circuit Solicitor of the Twenty-third Judicial Circuit, payable in equal monthly installments out of the general funds of the county on warrants drawn by the chairman of the county governing body."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:44 A. M.

Act No. 236

H. 610—Bailey, Goodwyn, Goldthwaite, Pierce

AN ACT

To amend Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), which relates to providing for and prescribing the form of government for all cities of Alabama having a population of not less than 75,000 nor more than 125,000 inhabitants according to the preliminary count of the 1950 federal census or any subsequent regular decennial federal census by more particularly defining the employees covered thereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 24 of Act No. 813, S. 662, approved September 11, 1951, (Acts of Alabama 1950-1951, pages 1426-1447), be and the same is hereby amended to read as follows:

"RECORDER: There shall be in the city the office of recorder of such city, and it shall be the duty of the board of commissioners of such city to elect a recorder for such city, who shall have all the powers and jurisdiction conferred by law upon recorders of cities in the State of Alabama. Whenever the recorder shall be unable for any reason to perform the duties of his office then the president of said board of commissioners shall designate some person possessing the qualifications of recorder, as provided in this Act to act during the disability of the said recorder, and such person designated, when acting as recorder shall have all the powers and jurisdiction, conferred by law upon recorders in the State of Alabama. No fines, penalties or other form of punishment fixed by such recorder shall be set aside except with the consent and sanction of the president of the commission in writing, which consent shall set forth the reason for such action. No person shall be eligible to the office of recorder of such City who is not a duly qualified elector in the

county in which such city is situated and who is not admitted to the practice of law in the State of Alabama. The Recorder shall be under and subject to the provisions of any civil service or merit system law applicable to said city."

Section 2. This Act shall be construed liberally. If any section or part is declared invalid in its general or specific application, such declaration shall not affect the validity of other sections, parts, or applications.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:45 A. M.

Act No. 237

H. 612—Brewer, Gilchrist

AN ACT

To extend the boundary lines of the City of Decatur in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Beginning at a point 300 feet south of the south margin of Second Street S. W., at a southwest corner of the present City limit line of the City of Decatur and running thence south parallel with 14th Avenue S. W., 1061 feet, more or less, to the south margin of Third Street S. W.; thence east along the south margin of Third Street S. W., to the present west City limit line of the City of Decatur; thence north along the present City limit line of the City of Decatur to a point 300 feet south of Second Street S. W., where said City limit line turns west; thence west along the present City limit line of the City of Decatur to the point of beginning.

SECTION 2. This Act shall be effective immediately upon its passage and approval by the Governor.

Approved September 30, 1959.

Time: 10:46 A. M.

Act No. 238

H. 614—Bassett, Boyd

AN ACT

To regulate the compensation of deputy sheriffs, other than the chief deputy sheriff, of Pike County; amending Section 1 of Act No. 634, H. 1057, as amended, approved July 10, 1940, (Local Acts of Alabama 1939, p. 366) and Section 2 of Act No. 165, H. 574, approved June 28, 1949, (Acts of Alabama 1949, p. 193).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 634, H. 1057, as amended, approved July 10, 1940, entitled, "An Act to authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County to that now provided by law; to fix the salary of said deputy and to make same payable in equal monthly installments from the general funds of Pike County; to repeal all laws in conflict therewith", is hereby amended to read as follows:

"Section 1. The Court of County Commissioners of Pike County, Alabama, is hereby authorized in its discretion to provide for an additional deputy sheriff for Pike County to that now provided by law, who shall be appointed by the sheriff of said County, and who shall hold said office at the pleasure of said sheriff, and shall receive a salary (fixed by the sheriff with the approval of the Court of County Commissioners) of not less than Eighteen Hundred Dollars (\$1800) per annum nor more than Thirty-six Hundred Dollars (\$3600) per annum, to be paid in twelve equal monthly installments out of the general fund of said County."

Section 2. Section 2 of Act No. 165, H. 574, approved June 28, 1949, entitled, "An Act to authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County, Alabama, in addition to the deputies now provided by law, to be appointed by and to serve at the pleasure of the sheriff; to provide for the annual salary of such deputy to be determined by said court of county commissioners, in an amount not exceeding twelve hundred dollars (\$1200) per year, payable in equal monthly installments from the general fund of said county; and to provide that the said court of county commissioners shall have power and authority to revoke the provisions and allowances for said deputy sheriff at any time," is hereby amended to read as follows:

"Section 2. That the salary of such deputy sheriff shall be determined by the sheriff with the approval of the Court of County Commissioners of Pike County, Alabama, in an amount not less than Twelve Hundred Dollars (\$1200), nor more than Twenty-four Hundred Dollars (\$2400) a year, and shall be payable in equal monthly installments from the general fund of said county."

Section 3. That all laws or parts of laws, general, special, or local in conflict herewith are, to the extent of such conflict, repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:47 A. M.

Act No. 239

H. 621—Cornett, Smith (Russell)

AN ACT

To provide for the feeding and care of certain county prisoners of Russell County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to authorize a daily tobacco allowance for such prisoners; to provide hospital and medical care and treatment for any of such prisoners who are injured or become ill while engaged in such road work; to prescribe the powers, duties, and authority of the sheriff and the governing body of Russell County in carrying out the provisions of this Act; and giving certain portions of the Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Russell County shall prepare, or cause to be prepared, a noon lunch or meal for each county prisoner of Russell County employed or being used in the construction, repair, and maintenance of county roads and bridges, or in other road work, which lunch or meal shall be served and eaten at noon at the place of work in order to prevent having to transport such prisoners back to the county jail each day for their noon meal. The board of revenue, court of county commissioners, or other like governing body of Russell County shall allow to the sheriff a sum not to exceed fifty cents (\$.50) for each such lunch or meal prepared and served to a county prisoner, upon certification thereof by the sheriff, which amounts shall be paid out of the general funds of the county on warrant drawn in the manner prescribed by law.

Section 2. Each county prisoner of Russell County employed or being used in the construction, repair, and maintenance of county roads and bridges, or in other such road work, may be given a daily tobacco allowance, under such rules and regulations as the county governing body may prescribe, the exact amount of which shall be fixed by the governing body of Russell County, in an amount not to exceed fifteen cents (\$.15) per day, and paid out of the general funds of the county on warrant drawn in the manner prescribed by law.

Section 3. If any prisoner of Russell County is employed or being used in the construction, repair, and maintenance of county

roads and bridges, or other such road work, and is injured or becomes ill for any reason whatsoever while engaged in such work, the governing body of Russell County, upon certification by the sheriff of the fact of such injury or illness, shall provide such prisoner with adequate and necessary hospital and medical care and treatment. The cost of such hospital or medical care and treatment shall be paid out of the general funds of the county on warrant drawn in the manner prescribed by law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall be applicable to all noon meals served to county prisoners away from the jail, in the manner prescribed herein, since January 1, 1959, and to all hospital and medical care treatment of county prisoners who have been injured or who have become ill since January 1, 1959, while engaged in roadwork for the county.

Approved September 30, 1959.

Time: 11:10 A. M.

Act No. 240

H. 632—Ashworth

AN ACT

To provide for the payment of an expense allowance to members of the board of revenue, court of county commissioners, or other like governing body of all counties having a population of not less than 17,650 nor more than 18,000, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of revenue, court of county commissioners, or other like governing body of every county in the State having a population of not less than 17,650 nor more than 18,000, according to the last or any subsequent federal decennial census, shall be entitled to reimbursement for expenses incurred in the performance of his duties, to be paid from the county treasury in the amount of one hundred dollars (\$100) per month, on warrants drawn in the manner prescribed by law for the payment of his compensation.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:40 A. M.

Act No. 241

H. 638—Copeland, Hanby

AN ACT

To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Boundary lines of the City of Gadsden, Etowah County, Alabama, be, and the same are altered or rearranged so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama; all of which territory is more particularly described as being all of the territory lying within the County of Etowah, State of Alabama, included and embraced within the boundaries herein set out, to-wit:

Begin at the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) in Section Seventeen (17), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian, Etowah County, Alabama, and from thence run in a Southerly direction and along the East line of said Section Seventeen (17) and the East line of Section Twenty (20), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the Southeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty (20); thence in an Easterly direction and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-one (21), Township Eleven (11) South, of Range Six (6) East of the Huntsville Meridian to the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-one (21); thence along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-one (21), and along the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-one (21) and along the East line of the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-eight (28), Township Eleven (11) South, of Range Six (6) East of the Huntsville Meridian to a point where said line intersects the South and East Right-of-way line of the Noccalula Drive (known as Lay Springs Road); thence along said Right-of-way line in a Northeasterly direction to a point where said Right-of-way line intersects the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-eight (28); thence in an easterly direction and along the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) Section Twenty-eight (28); thence

in an Easterly direction along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) Section Twenty-eight (28) for a distance of Three Hundred Thirty-two and Five-tenths (332.5) feet more or less; thence in a Southerly direction and along a line which is the Eastern boundary of a subdivision known as Mountain Top Estates to a point in the North line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Twenty-eight (28) said point being Three Hundred Forty-nine and Three-tenths (349.3) feet East of Northwest corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Twenty-eight (28); thence in a Westerly direction along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) to the Northeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), Section Twenty-eight (28); thence in a Southerly direction and along the East line of the Southwest Quarter ($SW\frac{1}{4}$), Section Twenty-eight (28) for a distance of Two Hundred Thirty-one and Four-tenths (231.4) feet more or less; thence in an Easterly direction along a line parallel to the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Twenty-eight (28) to a point in the West line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Twenty-eight (28); Thence in a Northerly direction along said West line to the Northwest corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Twenty-eight (28); thence in an Easterly direction along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Twenty-eight (28) to the Northeast corner of said quarter-quarter Section; thence in an Easterly direction and along the North line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) Section Twenty-seven (27), Township Eleven (11) South, Range Six (6) East of the Huntsville Meridian for a distance of Two Hundred Ten (210) feet; Thence in a Northerly direction and along a line parallel to the East Line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-seven (27) to a point in the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) Section Twenty-seven (27); thence in an Easterly direction and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) and along the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) to a point where said line intersects the Brow of Lookout Mountain; thence in a Southwesterly direction and along the Brow of Lookout Mountain to a point where said Brow of Lookout Mountain intersects the South line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) Section Twenty-seven (27); thence in a Westerly direction and along the South line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) to the Southwest

corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) Section Twenty-seven (27); thence in a Southerly direction and along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) to a point where said line intersects the Brow of Lookout Mountain; thence in a Southwesterly direction and along the Brow of Lookout Mountain to a point where the Brow of Lookout Mountain intersects the East line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Twenty-eight (28), Township Eleven (11), South, Range Six (6) East of the Huntsville Meridian; thence in a Southerly direction and along the East line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Twenty-eight (28) and along the East line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) Section thirty-three (33), Township Eleven (11) South, Range Six (6) East of the Huntsville, Meridan to the Southeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) Section Thirty-three (33); thence in a Westerly direction and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) Section Thirty-three (33) to the Southwest corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) Section Thirty-three (33); thence in a Southerly direction and along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) Section Thirty-three (33) to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) Section Thirty-three (33); thence in a Westerly direction and along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) Section Thirty-three (33) to the Southwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) Section Thirty-three (33); thence in a Southerly direction and along the East line of the Southwest Quarter ($SW\frac{1}{4}$) Section Thirty-three (33) to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) Section Thirty-three (33); thence in an Easterly direction and along the North line of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Thirty-three (33) and along the North line of the South Half ($S\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Thirty-four (34), Township Eleven (11) South, of Range Six (6) East of the Huntsville Meridian to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Thirty-four (34); thence Northerly along the West line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34) to the Northwest corner thereof; thence Easterly along the North line of the said Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34) to the Northeast corner thereof; thence Northerly along the West line of the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Thirty-

four (34) to the Northwest corner thereof; thence Easterly along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-four (34) to the Northeast corner of said Section which is also the Southwest corner of Section Twenty-six (26), Township Eleven (11) South, of Range Six (6) East of the Huntsville Meridian; thence Northerly along the West line of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-six (26) to the Northwest corner thereof; thence Easterly along the North line of the said Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-six (26) to the Northeast corner thereof; thence Northerly along the West line of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty-six (26) to the Northwest corner thereof; thence Easterly along the North line of Sections Twenty-six (26) and Twenty-five (25) Township Eleven (11) South, of Range Six (6) East of the Huntsville Meridian to the Northeast corner of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-five (25); thence Southerly along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-five (25) and the East line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) Section Twenty-five (25) to the Southeast corner thereof; thence Westerly along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) Section Twenty-five (25) to the Southwest corner thereof; thence Southerly along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) Section Twenty-five (25), and the East line of the West Half ($W\frac{1}{2}$) of the West Half ($W\frac{1}{2}$) of Section Thirty-six (36), Township Eleven (11) South, of Range Six (6) East of the Huntsville Meridian to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Thirty-six (36); thence Westerly along the South line of Section Thirty-six (36) and Section Thirty-five (35), Township Eleven (11) South, of Range Six (6) East of the Huntsville Meridian to the Southwest corner of said Section Thirty-five (35), which is also the Northeast corner of Section Three (3), Township Twelve (12) South, of Range Six (6) East of the Huntsville Meridian; thence Southerly along the East line of Section Three (3) to a point where said line intersects the South bank of Coosa River; thence Southeasterly along the South bank of Coosa River to a point where the East line of the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twelve (12), Township Twelve (12) South, of Range Six (6) East of the Huntsville Meridian intersects the South bank of Coosa River at low water mark; thence Southerly along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twelve (12) to the Southeast corner thereof; thence Easterly along the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the North line of the South Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twelve (12) to the Northeast Corner of

the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twelve (12); thence Southerly along the East line of Section Twelve (12) and Thirteen (13), Township Twelve (12) South, of Range Six (6) East of the Huntsville Meridian to where said line intersects the Cherokee Indian Boundary line; thence in a Southeasterly direction and along said Indian Boundary line to the Northeast corner of Section Nineteen (19), Township Twelve (12) South, of Range Seven (7) East of Huntsville Meridian; thence in a Southerly direction and along the East line of said Section 19 to a point Seventy-five (75) feet south of where the center line of Baldwin Street projected Easterly would intersect with the East line of Section Nineteen (19), Township Twelve (12) South, of Range Seven (7) East of the Huntsville Meridian; thence South Eighty-eight (88) degrees Ten (10) minutes West and parallel with the said Baldwin Street Two Hundred Seventy-five (275) feet to a point Sixty (60) feet East of the Center line of the Railroad Spur; thence South Eight (8) degrees Thirty-six (36) minutes West One Hundred (100) feet; thence South Sixteen (16) degrees Forty-four (44) minutes West One Hundred (100) feet; thence South twenty-seven (27) degrees Twenty-five (25) minutes West One Hundred (100) feet; thence South Thirty-seven (37) degrees Twenty-five (25) minutes West One Hundred (100) feet; thence South Forty-seven (47) degrees Three (3) minutes West One Hundred (100) feet; thence South Forty-eight (48) degrees Forty-three (43) minutes West One Hundred (100) feet; thence South Fifty-nine (59) degrees Forty-four (44) minutes West Eighty-one and Five-tenths (81.5) feet to a point Thirty (30) feet East of the Center line of Rains Avenue; thence South One (1) degree Fifty (50) minutes East along the East line of Rains Avenue One Thousand One Hundred Fifty-six and Five-tenths (1156.5) feet more or less, to the South line of Section Nineteen (19); thence in a Westerly direction and along the South line of said Section Nineteen (19) and along the corporate line of the Town of Glencoe to where the corporate line of the Town of Glencoe turns in a Northwesterly direction; thence in a Northwesterly direction and along the corporate line of the Town of Glencoe to where said corporate line turns in a Southerly direction; thence in a Southerly direction and along the corporate line of the Town of Glencoe to a point in the South line of said Section Nineteen (19), thence in a Westerly direction and along the South line of said Section Nineteen (19) to the Southwest corner of said Section Nineteen (19); thence in a Northerly direction and along the West line of said Section Nineteen (19) to the Southwest line of the Gadsden and Anniston Highway, as shown by the map of McCord's Subdivision recorded in Plat Book "D", page 119, Probate Office, Etowah County, Alabama; thence in a Northwesterly direction and along the Southwest line of said Highway to the South line of the North Half ($N\frac{1}{2}$) of the Northeast

Quarter ($NE\frac{1}{4}$) in Section Twenty-four (24), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Westerly direction and along the South line of the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty-four (24), and along the South line of the North Half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-four (24) to the Southwest corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-four (24), thence continue Westerly and along the South line of the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty-three (23) Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) Section Twenty-three (23) to the Southwest corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) Section Twenty-three (23); thence Northerly along the West line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) Section Twenty-three (23) and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) Section Fourteen (14) Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian and along the West line of Fraction "C", Section Fourteen (14) to the Northwest corner of said Fraction "C"; thence Westerly along the Cherokee Indian Boundary line to a point in the West line of Section Fourteen (14), which is the East line of Section Fifteen (15) and is a point Four Hundred and Ninety-two (492) feet South of the Southeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Fifteen (15); thence South Thirty-four (34) degrees Thirty-seven (37) minutes West, along the East line of Lots Eighteen (18) and Nineteen (19) in Block Seven (7) of the Crestview Land Company Addition, Two Hundred (200) feet; thence North Fifty (50) degrees Thirteen (13) minutes West along the South boundary of the Crestview Land Company Addition One Thousand Six Hundred Seventy-eight (1678) feet; thence North Twenty-seven (27) degrees Twenty-two (22) minutes East along the Northwest boundary of the Crestview Land Company Addition to a point on the North and South center line of the Northeast Quarter ($NE\frac{1}{4}$) of Section Fifteen (15), where said Northwest boundary of Crestview Land Company Addition intersects center line of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Fifteen (15); thence North and along the center line of said Northeast Quarter ($NE\frac{1}{4}$) of Section Fifteen (15) to the Northwest corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Fifteen (15) which is the Southwest corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Ten (10) Township Twelve (12) South, of Range Six (6) East of the Huntsville Meridian; thence in a Westerly direction and along the South line of said Section Ten (10) and along the South line of Section Nine (9) Township

Twelve (12) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of Government Lot Number Three (3) in Section Sixteen (16), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Southerly direction and along the East lines of Government Lots Numbers Three (3), Six (6), Nine (9) and Eleven (11) and said lines extended to the South bank of Big Wills Creek; thence in an Easterly direction and down the South Bank of said Creek to a point where the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty-one (21), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian, produced Northerly, intersects said Creek bank; thence Southerly and along the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty-one (21), and said line produced in a Northerly direction to a point in the Northwest right-of-way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive; thence in a Southwesterly direction and along the Northwest right-of-way line of said highway to the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty-one (21); thence in a Southerly direction and along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty-one (21) to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty-one (21); thence in an Easterly direction and along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) Section Twenty-eight (28) Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian, to the West line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21); thence in a Northerly direction and along the West line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21) to the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21); thence in an Easterly direction and along the North line of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21) and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-two (22) Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian to the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter of said Section Twenty-two (22); thence Southerly along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-two (22) to the Southeast corner thereof; thence Westerly and along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-two (22) to the Southwest corner thereof; thence Southerly and along the East line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast

Quarter ($NE\frac{1}{4}$) of Section Twenty-eight (28) Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian to the Southeast corner thereof; thence Westerly and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty-eight (28) to the Southwest corner thereof; thence Southerly and along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty-eight (28) and along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Twenty-eight (28) to the Southeast corner thereof; thence Westerly and along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Twenty-eight (28) and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-eight (28) to the Southwest corner thereof; thence Southerly along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) Section Twenty-eight (28) to the Southeast corner thereof; thence Westerly and along the South line of Section Twenty-eight (28) and Section Twenty-nine (29) Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian to the Southwest corner of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-nine (29); thence Northerly and along the West line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-nine (29) to the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-nine (29); thence Easterly and along the North line of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-nine (29) to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-nine (29); thence in a Northerly direction and along the West line of said Section Twenty-eight (28) to the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-eight (28); thence in an Easterly direction and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-eight (28) for a distance of Two Hundred and Thirty-two (232) feet to the West line of a certain street, known as Kaylu Drive; thence in a Northeasterly and a Northwesterly direction and along the West line of said Street to a point in the Southeast Right-of-way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive, as presently located (Federal Project U104 (6)); thence in a Northeasterly direction and along the Southeast Right-of-way line of said highway to the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) Section Twenty-one (21), Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian; thence in a Westerly direction and along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest

Quarter (SW $\frac{1}{4}$) of said Section Twenty-one (21) to the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) Section Twenty-one (21), Township Twelve (12) South, Range Six (6) East of Huntsville Meridian; thence Northerly and along the West line of said Section Twenty-one (21) to a point Two Hundred and Twenty-five (225) feet North of the South line of Section Twenty (20) Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian; thence Westerly and along a line which is parallel to the South line of said Section Twenty (20) to a point which is Three Hundred and Forty (340) feet West of the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty (20); thence Northerly and on a line that is parallel to the East line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty (20) to a point in the North line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty (20); thence Westerly and along the North line of said Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Twenty (20) to the Northwest corner thereof; thence Northerly and along the West line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty (20) to the Northwest corner thereof; thence Easterly and along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty (20) to the Northeast corner thereof; thence Northerly and along the East line of Section Twenty (20) to the Southerly bank of Big Wills Creek; thence in a Northeasterly and Easterly direction and along the Southerly bank of said Creek to a point which is Two Hundred (200) feet West, drawn in a line parallel with the North line of Section Sixteen (16) hereinbefore mentioned, from where the East line of Government Lot Number Eleven (11) in said Section Sixteen (16), if produced in a Southerly direction, would intersect the South bank of said Creek; thence in a Northerly direction and parallel with the East line of Government Lots Numbers Eleven (11), Nine (9), Six (6), and Three (3) in said Section Sixteen (16) and parallel with the East line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in Section Nine (9) Township Twelve (12) South, of Range Six (6) East of the Huntsville Meridian to a point in the South line of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9); thence in a Westerly direction and along the South line of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9) to the Southwest corner thereof; thence Northerly and along the West line of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9) to the Southeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9); thence in a Westerly direction and along

the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Nine (9) and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Eight (8) to the Southwest corner of said Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Eight (8); thence Southerly along the East line of said Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Eight (8) and along the East lines of Lots or Fractions Two (2) and Seven (7), Section Seventeen (17) to the Southeast corner of Lot or Fraction Seven (7); thence Westerly along the South line of Lot or Fraction Seven (7), Section Seventeen (17) to the Southwest corner thereof; thence Northerly along the West line of said Lot or Fraction Seven (7) to the Northwest corner thereof; thence Westerly along the South line of Lots or Fractions Three (3) and Four (4) of Section Seventeen (17) and the South lines of Lots or Fractions One (1) and Two (2), Section Eighteen (18) to the Southwest corner of said Lot or Fraction Two (2); thence Northerly along the West line of said Lot or Fraction Two (2) to the Northwest corner thereof; said point being in the division line between Sections Seven (7) and Eighteen (18); thence Westerly along the South line of Section Seven (7) to the Southwest corner thereof; thence Northerly along the West line of Lot or Fraction Thirteen (13) to the Northwest corner of said Lot or Fraction Thirteen (13) of said Section Seven (7) which is also the Southeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12), Township Twelve (12) South, of Range Five (5); thence Westerly along the South line of the said Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12) to the Southwest corner thereof; thence Northerly along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12), to the Northwest corner thereof; thence West along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12) to the Southwest corner thereof, which the Southeast corner of Lot or Fraction "A", otherwise known as the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twelve (12) Township Twelve (12) South, of Range Five (5) East of the Huntsville Meridian, and from thence run Southerly and along the East line of Fraction "C" in said Section Twelve (12) to the Southwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twelve (12); thence West and along the South line of said Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twelve (12) extended in a Westerly direction across said Fraction "C" to a point in the West or Southwest bank of Big Wills Creek; thence Northerly and Northwesterly up and along the West, or Southwest, bank of Big Wills Creek to a point which is One Hundred and Forty (140) feet

Southeast of, and at right angles to, the center line of the Eighty (80) foot strip as described in a deed from the United States of America to Etowah County, Alabama, dated Twenty-fifth of February, 1948, and recorded in Record Book "361", Page 153, Probate Office, Etowah County, Alabama; thence South Thirty-nine (39) degrees eighteen (18) minutes West and parallel with the center line described in said deed above mentioned to a point in the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twelve (12); thence Southerly and along the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twelve (12) and along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in Section Thirteen (13) Township Twelve (12) South of Range Five (5) East of Huntsville Meridian to the Southeast corner of said Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Thirteen (13); thence in a Westerly direction and along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Thirteen (13) and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Fourteen (14), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to a point in the West line of what is known as the "Airport" Road; thence Southerly and along the West line of said "Airport" Road to a point where the West right-of-way line of said "Airport" Road intersects the Northerly right-of-way line of what is known as the "Steel Station" Road; thence Westerly and along the Northerly right-of-way line of said "Steel Station" Road to where said right-of-way line intersects the dividing line between Section Twenty-six (26) and Twenty-seven (27), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian; thence Northerly and along said Section line to the Southeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty-seven (27); thence Westerly and along the South line of said Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty-seven (27) to the Southwest corner thereof; thence North and along the West line of said Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty-seven (27) and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Twenty-two (22), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to the Northwest corner of said Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Twenty-two (22); thence East and along the North line of said Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Twenty-two (22) to the Northeast corner thereof, which said last mentioned point is in the West line of Section Twenty-three (23) Township Twelve (12) South, of Range Five (5) East of Huntsville Merid-

ian; thence North and along the West line of said Section Twenty-three (23) a distance of one-half ($\frac{1}{2}$) mile to the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty-three (23); thence East and along the North line of said Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in Section Twenty-three (23) to the Northeast corner thereof, which is also the Southwest corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty-three (23); thence Northerly and along the West line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty-three (23) and along the West line of the East Half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) and the East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) in Section Fourteen (14), Township Twelve (12) South, of Range Five (5) East of the Huntsville Meridian, and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Eleven (11), Township Twelve (12) South, of Range Five (5) East of the Huntsville Meridian, to a point of intersection with the North right-of-way line of Highway from Morgan's Cross Roads to Camp Sibert; thence in a Westerly direction and along the North right-of-way line of said Highway last mentioned, to where the same intersects the West line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Fifteen (15), Township Twelve (12) South of Range Five (5) East of Huntsville Meridian; thence North and along the West line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Fifteen (15) and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Ten (10), Township Twelve (12) South, of Range Five (5) East of the Huntsville Meridian to the Northwest corner of said Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Ten (10); thence East and along the North lines of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Ten (10) and along the North line of the South Half ($S\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) and the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Eleven (11), Township Twelve (12) South, of Range Five (5) East of the Huntsville Meridian, and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Twelve (12) to a point which is One Hundred Forty (140) feet Northwest of, and at right angles to, the center line of the Eighty (80) foot strip described in the deed from the United States of America to Etowah County, Alabama, dated the 25th of February, 1948, and recorded in record Book "361", Page 153, hereinbefore mentioned; thence North Thirty-nine (39) degrees Eighteen (18) minutes East and parallel with said center line to a point in the West line of Lot or Fraction, "C" in Section Twelve (12), Township Twelve (12) South of Range Five (5)

East of Huntsville Meridian; thence Northerly and along the West line of Lots, or Fractions "C" and "A" in said Section Twelve (12) to the Northwest corner of said Lot, or Fraction "A"; thence West along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section One (1), Township Twelve (12) South, Range Five (5) East to the Southwest corner thereof; thence Northerly and along the West line of said Section One (1) to the Northwest corner thereof; which is also the Southeast corner of Section Thirty-five (35), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian; thence in a Westerly direction and along the South line of said Section Thirty-five (35) to the East bank of Little Wills Creek; thence in a Northerly and Northeasterly direction up the East bank of Little Wills Creek to the North line of said Section Thirty-five (35); thence in an Easterly direction and along the North line of said Section Thirty-five (35) and along the North line of Section Thirty-six (36), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian and along the North line of Section Thirty-one (31), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the North and South center line of Section Thirty (30), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence Northerly and along the North and South Center line of said Section Thirty (30) to a point in the South line of Section Nineteen (19), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Nineteen (19) to the Southwest corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Nineteen (19); thence Northerly and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Nineteen (19) to the Northwest corner thereof; thence Easterly and along the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Nineteen (19) to the West line of Section Twenty (20), Township Eleven (11) South, of Range Six (6) East of the Huntsville Meridian; thence Northerly and along the West line of said Section Twenty (20) to the Northwest corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty (20); thence in an Easterly direction and along the North line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty (20) to the Southwest corner of the East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty (20); thence in a Northerly direction and along the West line of the East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty (20) to the South line of Section Seventeen (17), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Seventeen (17) to the

Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) in said Section Seventeen (17); thence in a Northerly direction and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) in said Section Seventeen (17) to the Northwest corner thereof; thence in an Easterly direction and along the North line of the Southeast Quarter (SE $\frac{1}{4}$) in said Section Seventeen (17) to the point of beginning.

Section 2. That the boundaries set out in Section one (1) of this Act be, and the same are hereby established as the corporate limits of said City of Gadsden, Etowah County, Alabama, and all the territory included and embraced within said boundaries shall hereafter be and constitute a part of the City of Gadsden, Etowah County, Alabama.

Section 3. That all laws and parts of laws both general, special, and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. That this act shall go into effect immediately upon its approval by the Governor.

Approved September 30, 1959.

Time: 10:49 A. M.

Act No. 242

H. 639—Branyon

AN ACT

Regulating further the insuring of the property of public hospitals in all counties in this State having a population of not less than 19,200 nor more than 20,200, according to the last or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of trustees or other governing body of any public hospital in any county in this State having a population of not less than 19,200 nor more than 20,200 according to the last or any subsequent federal decennial census, in its discretion, may insure any public buildings owned by the State or the county, or a public hospital corporation, as the case may be, and within its jurisdiction or under its control, together with the equipment, furniture, fixtures, and other property in any such buildings, for the insurable value thereof, with insurance companies of its own choosing, and shall not be required to insure such property by or through either the State Insurance Fund or the State Department of Finance, any provision of law to the contrary notwithstanding.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 30, 1959.

Time: 10:50 A. M.

Act No. 243

H. 640—Phillips

AN ACT

To withdraw jurisdiction of criminal cases from justices of the peace and notaries ex officio justice of the peace elected or appointed for precinct five, Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. After this Act takes effect, justices of the peace and notaries ex officio justice of the peace elected or appointed for or in precinct five, Choctaw County, shall be divested and deprived of jurisdiction in criminal cases, and shall have no power or authority to exercise any jurisdiction whatsoever in a criminal case, or to take complaints of offenses committed within the precinct or county, or to issue warrants of arrest.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 4. This Act does not affect penalties that were incurred and proceedings that were begun before its effective date.

Approved September 30, 1959.

Time: 10:51 A. M.

Act No. 244

H. 641—Phillips

AN ACT

To provide for the appointment of a special constable for each commissioner's district in Choctaw County, prescribing their powers and duties and providing for their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. A special constable shall be appointed for each commissioner's district of Choctaw County, as defined and prescribed by law, as provided in Section 3. Such constables shall hold office for four years from the date of their appointment, and until their successors are appointed and qualified; and they shall give bond and take the oath prescribed by law for other

constables. Such officers shall execute the process of courts within their districts, and shall have all the powers and duties of the sheriff, other constables, and other peace officers of the county, coextensive with the boundaries of their respective districts.

Section 2. The special constables of Choctaw County shall each be entitled to the same fees, percentages, and allowances as the sheriff for performing like services, when acting in lieu of the sheriff or constable.

Section 3. After this Act takes effect, the judge of the inferior court, the circuit solicitor and the county solicitor of Choctaw County, acting as a board of appointment, shall appoint a constable for each district in Choctaw County, who shall hold office until his successor is appointed and qualified as herein provided. Any vacancy occurring in the office shall be filled by appointment by the appointing board for the unexpired term.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:52 A. M.

Act No. 245

S. 67—deGraffenried and Archer

AN ACT

To make an appropriation from the Oil and Gas Fund to the State Building Commission for the purpose of constructing and equipping a building to house and quarter the records, offices and facilities of the State Oil and Gas Board.

Be It Enacted by the Legislature of Alabama:

Section 1. That the sum of Six Hundred Thousand Dollars (\$600,000.00), or so much thereof as may be necessary, is hereby appropriated from the Oil and Gas Fund in the State Treasury to the State Building Commission, to be used exclusively for the purpose of constructing and equipping a suitable building to house the records, offices and other facilities of the State Oil and Gas Board, said building to be located on property owned by the University of Alabama. The construction of said building shall be under the supervision and control of the State Build-

ing Commission; and the appropriation herein made shall be paid out on orders of said Commission or its duly authorized officers, agents or employees, as directed by the Commission. The public improvement herein provided for shall be made pursuant to the provisions of Act No. 492, approved September 30, 1947.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:53 A. M.

Act No. 246

S. 128—Turner

AN ACT

Relating to supernumerary circuit solicitors; amending Section 1 of an act approved September 3, 1953 (Act No. 474, S. 219, Acts 1953, Vol. 1, p. 589) providing for the appointment of supernumerary circuit solicitors of the State of Alabama, to provide that any person holding office as a judge of a County Law and Equity Court on January 1, 1960 who has served continuously as a circuit solicitor for twenty years or more may become a supernumerary circuit solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of the act approved September 3, 1953, providing for supernumerary circuit solicitors of the State of Alabama (Act No. 474, S. 219, Acts 1953, Vol. I, p. 589) is hereby amended to read as follows:

"Section 1. Any circuit solicitor of this state who has served continuously for as much as twenty-five years and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians, or who has served continuously for as much as twenty-five years, and any person holding office as a judge of a County Law and Equity Court on January 1, 1960 who has served continuously as a circuit solicitor for twenty years or more, may elect to become a supernumerary circuit solicitor of the State of Alabama by filing, while in service as such solicitor or judge, a written declaration to that effect with the Governor, which written declaration shall set forth one of the foregoing conditions under which a person may elect to become a supernumerary circuit solicitor, and in case of permanent and total disability such declaration to have attached thereto the certificate of disability signed by three reputable physicians as above required; whereupon, if the matters set forth in such declaration are true, and other require-

ments above required are complied with, the Governor shall issue to such declarant a commission as supernumerary solicitor of the State of Alabama. The office of circuit solicitor made vacant by any such declaration shall be filled by appointment of the Governor as now provided by law."

Section 1. a. For the purposes of this Act, service in the Armed forces of the United States shall not be deemed to interrupt continuous service as such Circuit Solicitor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:54 A. M.

Act No. 247

S. 238—deGraffenried

AN ACT

To provide for the distribution of the 2% tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use from any well or wells in the State of Alabama pursuant to Section 26, of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953; to provide for the transfer of \$100,000.00 to the General Fund from such surplus funds in the State Treasury to the credit of the Oil and Gas Fund as of September 30, 1959; to repeal all laws or parts of laws, especially Section 32 of Act No. 1, approved May 22, 1945; and to provide an effective date for this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) One-half of the tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use from any well or wells in the State of Alabama pursuant to Section 26 of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953, shall be paid into the State Treasury and there be kept separate and apart from other State funds in a fund to be known as the Oil and Gas Fund and expended pursuant to appropriations made therefrom for the purposes of the Oil and Gas Board.

(b) The remaining one-half of the tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use from any well or wells in the State of Alabama pursuant to Section 26 of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953, shall be deposited in the State Treasury to the credit of the General Fund.

Section 2. Of the surplus remaining in the State Treasury to the credit of the Oil and Gas Fund on September 30, 1959, after payment of all appropriations from said fund as is pro-

vided by law, there shall be transferred the sum of \$100,000.00 to the General Fund in the State Treasury.

Section 3. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed and especially that part or portion of Section 32 of Act No. 1, approved May 22, 1945, which may be in conflict herewith.

Section 4. That this Act shall become effective on October 1, 1959.

Approved September 30, 1959.

Time: 10:55 A. M.

Act No. 248

S. 305—Roberts

AN ACT

To alter, extend, and rearrange the boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the city of Fayette in Fayette County, Alabama, are hereby altered, extended and rearranged so that in addition to the territory presently embraced therein, all of the lands described herein will lie and be within the boundaries and corporate limits of such city:

The northwest quarter ($NW\frac{1}{4}$) of Section 18, Township 16, Range 12 west; the north half of the southeast quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$), the south half of the northeast quarter ($S\frac{1}{2}$ of $NE\frac{1}{4}$) and the northwest quarter of the northeast quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$), all in Section 12, Township 16, Range 13, west; the west half of the east half ($W\frac{1}{2}$ of $E\frac{1}{2}$) of Section 1, Township 16, Range 13, west; the southeast quarter ($SE\frac{1}{4}$), the southeast quarter of the northwest quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$), and the south half of the northeast quarter ($S\frac{1}{2}$ of $NE\frac{1}{4}$) all in Section 36, Township 15, Range 13, west; the south half of the northwest quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$) and the northeast quarter ($NE\frac{1}{4}$) of Section 31, Township 15, Range 12, west; the west half of the northwest quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 32, Township 15, Range 12, west; the southwest quarter ($SW\frac{1}{4}$), the southeast quarter ($SE\frac{1}{4}$), the southeast quarter of the northwest quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) and the south half of the northeast quarter ($S\frac{1}{2}$ of $NE\frac{1}{4}$) all in Section 29, Township 15, Range 12, west; less and except that part of the $NW\frac{1}{4}$ of Section 18, Township 16 South, Range 12 West, beginning at the northwest corner of the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ of such Section 18, thence proceed south along the west boundary of such Section 18 a distance of 55.6 feet to a point, thence turn an angle to the left of 94 degrees 58 minutes

and proceed northeastwardly a distance of 150 feet, more or less, to a point on the center line of a county road, thence turn an angle to the left and proceed northwestwardly and north along the center of such county road a distance of 395 feet, more or less, to a point of intersection with a county road running northwestwardly, thence turn an angle to the left and proceed northwestwardly along the center line of such road to a point of intersection with the west boundary line of such Section 18, thence turn an angle to the left and proceed southwardly along the west boundary line of such Section 18 to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:56 A. M.

Act No. 249

S. 311—Robison

AN ACT

To amend further Section 1 of Act No. 311, S. 411, approved July 31, 1951, an act regulating the office of sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last or any subsequent federal decennial census (Acts 1951 Regular Session, Vol. I, p. 606), in relation to the employment of deputies, clerks, wardens, jailers, and other assistants by the sheriffs of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 311, S. 411, approved July 31, 1951, the act regulating the office of sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last or any subsequent federal decennial census (Acts 1951 Regular Session, Vol. I, p. 606), as amended by an act approved July 8, 1955, is amended further to read as follows:

"Section 1. The sheriff in every county in which this Act applies shall be paid an annual salary of four thousand dollars net in lieu of all other compensation, fees, and emoluments, except as otherwise provided in this Act. The sheriff shall be allowed such number of deputies, clerks, wardens, jailers, and other assistants as may be determined by the sheriff with the approval of the court of county commissioners, board of revenue, or other like governing body of the county. In counties having merit or civil service systems, the selection and appointment of such deputies, clerks, wardens, jailers, or other assistants shall be made by the sheriff from the merit system roster; provided, the chief deputy sheriff shall be appointed by the sheriff independently of said roster and serve at the pleasure of the sheriff. In counties that do not have merit or civil service systems, the appointment of deputies and other assistants shall be made by

the sheriff of the county as he sees fit. The compensation of such deputies, clerks, wardens, jailers, and other assistants shall be fixed by the merit system board of the county, if any, according to the scale of wages as fixed by the merit board; but in counties that do not have merit systems, their compensation shall be fixed by the governing body of the county.

"In addition to the compensation for the sheriff as hereinabove fixed, in counties under this Act having a juvenile court and court of common pleas, or courts of like jurisdiction, the sheriff shall be allowed the further sum of four hundred sixteen dollars and sixty-six cents per month for his ex officio services and for his attendance upon the sessions of the juvenile court and court of common pleas, or courts of like jurisdiction in the county. The sheriff shall also be allowed the necessary expenses, not to exceed one hundred fifty dollars per month, incurred in apprehending criminals or other law violators and returning prisoners from other states, to be approved by the board of revenue or other like governing body of the county.

"All payments provided for in this section shall be paid monthly out of the general fund of the county."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:57 A. M.

Act No. 250

S. 312—Robison

AN ACT

To create within any county in this state having a population of not less than 125,000 nor more than 225,000, according to the last or any subsequent federal decennial census, a domestic relations division of the circuit court of such county; defining its jurisdiction and authority; providing it with officers, and prescribing their duties, authority, and compensation; regulating its procedure; abolishing the juvenile court or any other special court having jurisdiction only of juveniles and domestic relations.

Be It Enacted by the Legislature of Alabama:

Section 1. When a judge has been elected and has qualified to fill the office of the additional circuit judgeship created by this Act in any county in this state having a population of not less than 125,000 nor more than 225,000, according to the last or any subsequent federal decennial census, a family relations division of the circuit court in such county is hereby established. The family relations division of said court shall, as its primary function, handle all cases in such county involving divorces, annul-

ments of marriages, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-Support Act, and all other domestic and marital matters over which the circuit court has jurisdiction. The family relations division of the circuit court shall also have and exercise original and exclusive jurisdiction over juveniles for the purposes above declared, and for the enforcement of Chapter 7 of Title 13 of the 1940 Code of Alabama, and non-support cases arising in the county under Title 34 of the 1940 Code of Alabama and amendments and additions thereto. For the purposes of this Act, a juvenile is defined as any boy or girl who has not reached his or her eighteenth birthday. All cases involving domestic and marital matters which originate in the circuit court shall be assigned to the family relations division; however, if the docket of the family relations division is overcrowded a portion of such cases may be reassigned by the presiding judge of the circuit to other circuit judges of said court.

Section 2. There is hereby created an additional circuit judgeship in every county in this state which has a population of not less than 125,000 nor more than 225,000, according to the last or subsequent federal decennial census. At the next general election for any state officers held after this Act becomes law in any such county in this state or at the first general election for any state officers held after the official publication of any subsequent federal decennial census in any county which, according to such subsequent federal decennial census, is thereby brought within the influence of this Act, a circuit judge shall be elected to fill the additional judgeship hereby created. The judge so elected shall hold office until the next general election for circuit judges. At the first general election for circuit judges held after the election of the first judge to fill the judgeship hereby created in a county, and every six years thereafter, a judge shall be elected to fill such judgeship at the same election that other circuit judges are elected and such judge shall hold office for the same term as other circuit judges.

Section 3. The incumbent of such additional judgeship shall be the judge of the family relations division of the circuit court of such county. He shall take the same oath of office, shall have and exercise all the jurisdiction, powers, rights, and authority, and possess all of the qualifications, perform all of the duties, and be subject to the obligations and penalties that other circuit judges may have, exercise, perform and be subject to.

Section 4. The judge of the family relations division of the circuit court of any county to which this Act applies shall be paid by the State of Alabama the same salary and in like manner as are other circuit judges in the county. Every county to which this Act applies shall supplement the salary of the judge of the family relations division of the circuit court of such county in

the same amount and in like manner as it supplements the salaries of other circuit judges of the circuit to which the county belongs.

Section 5. (a) The judge of the family relations division of the circuit court shall appoint a deputy register of the circuit court who shall serve the family relations division of such court. Such deputy register shall hold office at the pleasure of the judge of the family relations division of the circuit court; and shall receive as compensation for the performance of his duties such salary as is prescribed by the judge of the family relations division of the circuit court and approved by the county governing body, unless there is in the county a duly established civil service system under which the pay plan of county employees is set in which event the deputy register, whose employment is hereby authorized, shall be compensated pursuant to the pay plan so established. It is specifically provided, however, that the rules and regulations of such civil service system shall not apply to nor govern the appointment or discharge of such deputy register, but they shall only govern the amount and the manner of payment of his compensation. The deputy register before entering upon the duties of his office shall give bond to the State of Alabama in a sum to be set by the governing body of the county, with surety acceptable to such county governing body, to faithfully execute all of the duties of his office during his continuance therein.

(b) The judge of the family relations division of the circuit court may appoint a bailiff of the family relations division of the circuit court, who shall perform the same duties as do the other bailiffs in the circuit court of such county. The bailiff so appointed shall receive the same salary from the State of Alabama and the same salary from the county as do the other bailiffs in the circuit court of such county.

(c) The judge of the family relations division of the circuit court shall appoint a court reporter for such division of the court. The court reporter so appointed shall receive the same salary from the State of Alabama as do the other court reporters of the circuit court of the county, and he shall receive the same salary from the county as the other court reporters of the circuit court of the county. The court reporter so appointed shall also serve as secretary to the judge of the family relations division of the circuit court.

Section 6. (a) The judge of the family relations division of the circuit court shall appoint a chief probation officer for said court and such other probation officers as may be necessary to properly administer the functions of the court. The chief probation officer and such other probation officers as may be necessary, shall receive as compensation for the performance of

their duties such salary, payable out of the county treasury, as is prescribed by the judge of the family relations division of the circuit court, and approved by the county governing body, unless the county has a duly established civil service system, in which event the chief probation officer and all other necessary probation officers shall be in the classified service of the county, and they shall be appointed, compensated and discharged pursuant to rules and regulations of the county civil service system. The chief probation officer shall have a degree from a recognized college or university with major work in social science and shall have had specialized training or experience in probation and parole work.

The judge of the family relations division of the circuit court shall appoint and fix the compensation of such additional clerical personnel as may be necessary, but such appointments and compensation shall be subject to the approval of the county governing body, unless the county has a duly established civil service system, in which event such clerical personnel shall be in the classified service of the county, and they shall be appointed, compensated, and discharged pursuant to rules and regulations of the county civil service system.

Section 7. Proceedings in the hearing of cases of dependent, neglected, or delinquent children in the family relations division of the circuit court shall be in conformity with the provisions of Chapter 7 of Title 13 of the 1940 Code of Alabama, except as herein otherwise provided. Should any adult be charged with violation of the law in the family relations division of the circuit court he shall be tried by the judge without the intervention of a jury. Should any adult defendant desire a jury trial he shall demand a jury trial in writing prior to entering into a trial on the merits of his cause, and after demand for jury trial has been made the deputy register of the family relations division of the circuit court shall forthwith forward the warrants and complaint to the clerk of the circuit court, who shall place the case on the trial docket for the next ensuing term of the criminal division of the circuit court. Appeals from the decisions and orders of the judge of the family relations division of the circuit court shall lie directly to the Supreme Court of Alabama or Court of Appeals in the same manner as appeals from the orders and decisions of other circuit judges of the State of Alabama.

Section 8. On the filing of a bill of particulars for divorce or separate maintenance, where said bill or petition is contested, or where the support of children is involved, the judge of the family relations division of the circuit may request one of the probation officers of said court to cause an investigation and report to be made as to the character, family relations, past conduct, earning ability and financial worth of the parties to

the action. The report of such investigation shall be made available only to either party or his counsel of record and the court.

Section 9. Traffic violations by juveniles are specifically exempted from the coverage of this Act, provided that any recorder, judge of a county court, or justice of the peace in such county may, in the event that a juvenile becomes a chronic violator of traffic laws, transfer said case to the family relations division of the circuit court in the same manner that other cases are transferred from inferior courts to the circuit courts of this state.

Section 10. All salaries payable under this Act which may be lawfully paid by the state under its general laws shall be paid by the state. All salaries which may not be paid by the state, under its general laws, shall be paid by the county. Provided, the local costs of operations of the family relations division of the circuit court up to but not exceeding 80 thousand dollars per annum shall be borne, share and share alike, by the county and the most populous city in the county. Such costs shall be paid by the county in the first instance, and the council, commission, or other like governing body of the city shall reimburse the county for its share.

Section 11. Whenever a family relations division of the circuit court has been organized pursuant to this Act and is ready to function in any county within the influence of this Act the juvenile court or any other special court having jurisdiction only of juveniles and matters involving domestic relations in such counties, either or both, is hereby abolished, and any general, special, or local law creating such court is as to such county superseded and repealed. All cases or causes pending in any such court when this Act becomes effective in any county of this state shall be forthwith transferred to the family relations division of the circuit court of such county. A certificate from the judge of the family relations division of a circuit court, stating that such court has been duly organized and is ready to function shall be authority for the transfer of all cases then pending in the juvenile court or any other court abolished by this Act to the family relations division of the circuit court of such county.

Section 12. This Act shall be liberally construed in order to accomplish the beneficial purposes herein sought. The provisions of this Act are severable. Should any section or part of this Act be declared invalid or unconstitutional by any court, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 10:58 A. M.

Act No. 251

S. 314—Robison

AN ACT

To amend Section 1 of Act No. 325, S. 379, approved August 11, 1953, the act fixing the compensation to be paid to members of the governing body in all cities having a population of not less than 78,500 nor more than 125,000, according to the last or any subsequent federal decennial census (Acts of Alabama, Regular Session 1953, Vol. I, p. 382).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 325, S. 379, approved August 11, 1953, the act fixing the compensation to be paid to members of the governing body in all cities having a population of not less than 78,500 nor more than 125,000, according to the last or any subsequent federal decennial census (Acts of Alabama, Regular Session 1953, Vol. I, p. 382), is amended to read as follows:

"Section 1. That in all cities in the State of Alabama now having or which may hereafter have a population of as many as 78,500 people and not more than 125,000 people, according to the last or any future regular decennial federal census, and which operate under the commission form of government consisting of three members, the salaries to be paid said members of said Board of Commissioners in all such cities shall be as follows: Until October 1, 1961, the salary of the president of the Board of Commissioners shall be ten thousand seven hundred fifty dollars per annum and the salary of each of the other commissioners shall be nine thousand two hundred fifty dollars per annum; after September 30, 1961, the salary of the president of the Board of Commissioners shall be twelve thousand dollars per annum and the salary of each of the other commissioners shall be ten thousand five hundred dollars per annum. The salary of the president of the Board of Commissioners and the salaries of the other commissioners shall be payable in equal monthly installments at the end of each calendar month out of the city treasury."

Section 2. This Act shall take effect October 1, 1959.

Approved September 30, 1959.

Time: 10:59 A. M.

Act No. 252

S. 329—Eddins

AN ACT

To amend further Section 11 of Act No. 311, H. 904, approved September 19, 1923 (Local Acts of Alabama 1923, p. 188), entitled "An Act To establish a Board of Revenue for Marengo County, and for the abolishment of the Court of County Commissioners of said County."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 311, H. 904, approved Sep-

tember 19, 1923 (Local Acts of Alabama 1923, p. 188), entitled "An Act To establish a Board of Revenue for Marengo County, and for the abolishment of the Court of County Commissioners of said County," as amended, is amended further to read as follows:

"Section 11. The president and members of the Board of Revenue shall each receive a salary of two thousand four hundred dollars (\$2,400) per annum, payable in equal monthly installments out of any funds in the county treasury not otherwise appropriated. In addition, the president and members of the board shall each receive an allowance of one hundred dollars (\$100) per month as reimbursement for travel and other expenses incurred by them in the performance of their official duties, which allowance shall be in lieu of all mileage, per diem, or other such expenses provided for the president and members of the Board of Revenue of Marengo County under any general or local law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 30, 1959.

Time: 11:00 A. M.

Act No. 253

S. 235—Barnett, Turner and Rutledge

AN ACT

To amend the caption and Section 2 of Act No. 308, S. 193, approved August 26, 1955 (Acts of Alabama, 1955, p. 707), entitled "An Act To provide for the issuance of distinctive motor vehicle license plates or tags to members of the National Guard and Air National Guard of Alabama upon the payment of an additional sum of \$1.00 for use by such persons upon their personally-owned, private, passenger vehicles in lieu of the standard license plate or tag now required; and for the use of such distinctive plates by the State Military Department," by providing further for the issuance of such distinctive motor vehicle license plates.

Be It Enacted by the Legislature of Alabama:

Section 1. The caption of Act No. 308, S. 193, approved August 26, 1955 (Acts of Alabama, 1955, p. 707), entitled "An Act To provide for the issuance of distinctive motor vehicle license plates or tags to members of the National Guard and Air National Guard of Alabama upon the payment of an additional sum of \$1.00 for use by such persons upon their personally-owned, private, passenger vehicles in lieu of the standard license plate or tag now required; and for the use of such distinctive plates by the State Military Department," is amended to read as follows:

"An Act To provide for the issuance of distinctive motor vehicle license plates or tags to members of the National Guard and Air National Guard of Alabama for use by such persons upon their personally-owned, private, passenger vehicles in lieu of the standard license plate or tag now required; and for the use of such distinctive plates by the State Military Department."

Section 2. Section 2 of said Act No. 308 is amended to read as follows:

"Section 2. The distinctive license plates here provided for shall be prepared by the Commissioner of Revenue and shall be issued through the judge of probate or license commissioner of the several counties of the State in like manner as are other motor vehicle license plates or tags and such officers shall be entitled to their regular fees for such service. Applicants for such distinctive plates shall present to the issuing official proof of their membership in the National Guard or Air National Guard of Alabama by means of certificate signed by the commanding officer of such applicant on forms prescribed by the Adjutant General of Alabama. Such applicant shall pay to the issuing official the regular license tax prescribed by law. The distinctive license plates or tags so issued shall be used only upon and for personally-owned, private, passenger vehicles (to include station wagons and pick-up trucks) registered in the name of the member of the National Guard and Air National Guard making application therefor, and when so issued to such applicant shall be used upon the vehicle for which issued in lieu of the standard license plates or license tags normally issued for such vehicle. In addition to use of such distinctive license plates or tags on such personally-owned vehicles, such distinctive plates or tags may be used on State-owned vehicles operated by the State Military Department provided the prefix "S" is placed ahead of the number thereon. Motor vehicles for which so issued shall be registered by the proper official as are other motor vehicles."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, but shall apply only to motor vehicle license tags prepared and furnished for the licensing years beginning on or after October 1, 1959.

Approved September 30, 1959.

Time: 1:45 P. M.

Act No. 254

H. J. R. 13—Brewer, Bevill

HOUSE JOINT RESOLUTION

WHEREAS, there is major concern in Alabama with reference to the increase in juvenile delinquency; and

WHEREAS, the Legislature of Alabama finds and determines that juvenile delinquency can only be alleviated through a comprehensive and thorough study of ways in which this situation can be prevented, controlled and diminished; and

WHEREAS, the prevention of juvenile delinquency is directly related to meeting the needs of dependent and neglected children; and

WHEREAS, this area should likewise be included in the comprehensive and thorough study of existing laws and standards for handling such matters; and

WHEREAS, the Legislature believes that such a study can best be accomplished by a commission of legislators, interested laymen, and authorities in this field;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby established the Alabama Commission on Juvenile Court Legislation with the following composition, powers and purposes:

1. The Commission shall be comprised of ten members, two of whom shall be members of the House of Representatives, to be selected by the Speaker of the House, and one of whom to be a member of the Senate to be selected by the President of the Senate, and seven members to be selected by the Governor, one of whom shall be an employee of the State Department of Pensions and Securities, one of whom shall be an official of one of the Alabama State training schools, one of whom shall be actively engaged in the field of education as pertains particularly to police training, three of whom shall be judges of courts having juvenile jurisdiction and actively engaged at the present time in the hearing and disposition of cases involving juvenile offenders and one of whom shall be a recognized authority in the field of child welfare.

2. The Commission shall be authorized to seek out consultants, both within and without the State, who are particularly fitted to advise and counsel with the Commission on matters pertaining to sound juvenile court legislation.

3. The Commission shall make a complete and comprehensive study into the problems relating to juvenile court legislation in the State of Alabama, including the prevention, control and diminution of juvenile delinquency.

4. The Commission shall make a complete and comprehensive study into the problems related to juvenile court practices and procedures in the State of Alabama, including detention, trial and disposition of, rehabilitation of, and probation and parole services in behalf of juvenile offenders, and shall report back

to the Legislature by the 5th legislative day of the regular session of the Alabama State Legislature in 1961.

5. The report of said Commission shall also include any recommended legislation by the Commission, together with recommendations for the financing of any capital expenditures which may be necessary and for the financing of the necessary appropriations to meet the costs of essential additional personnel authorized by such legislation.

Approved October 2, 1959.

Time: 3:00 P. M.

Act No. 255

S. J. R. 26—Robison

SENATE JOINT RESOLUTION

WHEREAS, R. F. Hudson, Jr. was the publisher of a newspaper almost as old as the State of Alabama itself, a newspaper that was born just in time to support and hail the election of Andrew Jackson, a newspaper that had survived many other newspapers and all other businesses to become the oldest business in the Capital; and

WHEREAS, in a democratic commonwealth such as ours the newspapers are institutions without which neither our political processes nor commercial life could function, and capital city newspapers have traditionally played central roles in the drama of the state's government and politics; and

WHEREAS R. F. Hudson, Jr. was the avatar of the spirit and tradition begat by a dynasty of powerful, high-minded editors and was a trustee whose aim was the renewal and perpetuation of this nationally known tradition, which is duly attested by the premier newspaper awards; and

WHEREAS, R. F. Hudson, Jr. was among the most versatile and universally equipped publishers in Southern journalism and at the same time never let the hundreds who produced The Montgomery Advertiser and the Alabama Journal forget that they could count on his kindly regard and solicitude; now therefore, be it

RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that the Legislature of Alabama has heard with deep sensibility and profound sorrow of the death of R. F. Hudson, Jr., and the two Houses, sharing in the general grief, and desiring to manifest their sensibility upon the occasion of the family's bereavement, request the Senator from Montgomery to transmit a copy of these resolutions to Mrs. Hudson and to Mr. R. F. Hudson, Sr., and to assure them of the profound respect of the two Houses for the person

and character of R. F. Hudson, Jr., and of their sincere condolence on his untimely passing.

Approved October 2, 1959.

Time: 3:01 P. M.

Act No. 256

S. 342—Rutledge

AN ACT

Proposing an amendment to the Constitution of Alabama providing for a special tax in Winston County for school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become a part thereof when approved and proclaimed as prescribed by law:

Proposed Amendment.

The court of county commissioners, board of revenue, or other like governing body of Winston County shall have power to levy and collect a special county tax not exceeding fifty cents on each one hundred dollars worth of taxable property in such county in addition to taxes now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under Section 260 of Article XIV and Amendment III of the Constitution; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county, and voted for by a majority of those voting at such election. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the special county school tax authorized in Amendment III to the Constitution of Alabama.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate September 22, 1959.

Passed the House October 2, 1959.

Act No. 257

S. 269—Wyatt

AN ACT

Providing further for the compensation and allowances of members of the court of county commissioners or other like governing body of St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the court of county commissioners, board of revenue, or other like governing body of St. Clair County shall be paid for his services the sum of seven dollars and fifty cents a day while occupied in the discharge of his duties as such member of the court or board, and shall in addition thereto be allowed expenses in an amount not to exceed one hundred dollars a month, together with an allowance of five cents per mile travelled in going to and returning from the court and for each mile travelled in the discharge of his duties in letting out, inspecting and accepting, building or repairing any of the county bridges or county buildings, roads or works.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1959.

Time: 5:31 P. M.

Act No. 258

H. 236—Turner, Dodd, Reynolds (Madison),
Cates, Lee, Grant, Dickson, Daniel,
Nichols, Solomon, Guthrie

AN ACT

Relating to estrays; providing for the seizure, holding and sale of animals found running at large; to prescribe a method for returning estrayed animals to the owner thereof and a method for the sale of such animals when the owner is unknown; to prescribe a penalty for filing false and fraudulent claims under this Act; and to repeal Act No. 989 of the Legislature of 1951, approved September 12, 1951, and other laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who finds running at large about his residence or premises or the residence or premises of which he has charge, any horse, mare, mule, jack or jennet, cattle, hog, sheep or goat, the owner of which is unknown, may take up such animal as an estray, to be disposed of as provided in this Act.

Section 2. Within five days after taking up an estray, notice of the seizure of such estray shall be furnished to the Department

of Agriculture and Industries accompanied by a complete description of the animal together with the time and place of seizure with the name and address of the seizer. The animal shall be described in such notice by kind, size, sex, markings, brands, color, stature and age. The seizer shall have a lien on the animal for the cost of keeping it and for the amount of any reasonable damages he may have suffered as a result of the animal being upon his premises.

Section 3. The Department of Agriculture and Industries, upon receipt of a notice from a person who has seized an estrayed animal as provided in Section 2 of this Act, shall investigate such seizure in an effort to locate the owner of the animal and in the event the owner is located and the ownership established, the animal shall be returned to the person found to be the owner thereof upon payment by such person to the seizer the actual cost for keeping the animal, together with the actual amount of damages which he may have suffered as a result of the animal being upon his premises.

Section 4. If the owner of an estrayed animal seized as provided under Section 2 of this Act is not found after an investigation is conducted by the Department of Agriculture and Industries for the purpose of locating the owner thereof a notice fully describing the estrayed animal shall be posted by the Department of Agriculture and Industries in at least three conspicuous public places in or near the vicinity where the animal was seized and such a notice shall also be published one time in a newspaper, with general circulation in the county where the animal was seized. The posted and published notices of the estrayed animal shall describe such animal by kind, size, sex, markings, brands, color, stature, and age. If the owner of the estrayed animal does not file a claim for possession of the animal with the Department of Agriculture and Industries within fifteen days after publication of the notice, the Department of Agriculture and Industries shall dispose of the estrayed animal by sale as hereinafter provided. If the owner of the estrayed animal files a claim for return of the animal with the Department of Agriculture and Industries within a fifteen day period and satisfactorily establishes his claim of ownership, the Department of Agriculture and Industries shall direct the seizer to return the animal to such owner upon payment to the seizer the actual cost for keeping the animal and the amount he may have suffered as actual damages by reason of the animal being upon his premises. The owner shall also pay to the Department of Agriculture and Industries the actual cost of publication of the stray notice. In the event no claim is filed with the Department of Agriculture and Industries within a fifteen day period after notice and publication the animal shall be delivered or caused to be delivered by the Department of Agriculture and

Industries to the nearest public livestock market where the animal shall be sold. The proceeds received by the livestock market from the sale of the estrayed animal shall be applied to the costs of the sale, publication of the newspaper notice and to satisfy the seizer's lien for keeping the animal and any damages he may have suffered, if any. Provided, however, the total sum paid to the seizer for keep of the animal and damages, if any, shall not exceed 25% of the proceeds of the sale after deducting the sales commission, hauling charge, and advertising expense. The remainder of the proceeds of the sale of the estrayed animal shall be held by the livestock market in trust for payment to the owner in the event such owner establishes his right of ownership with the Department of Agriculture and Industries. If the owner fails to establish his right thereto within ninety days from the date of sale, the remainder of the sale price shall be paid by the livestock market to the Department of Agriculture and Industries for deposit in the State Treasury to the credit of the Agricultural Fund. No amounts shall be disbursed hereunder by the livestock market unless approval in writing is given by the Department of Agriculture and Industries.

Section 5. Any person who files a false or fraudulent claim for ownership of an estrayed animal or the proceeds received from the sale of such animal seized and sold under the provisions of this Act shall be guilty of a misdemeanor and punished as now prescribed by law for such offense.

Section 6. Act No. 989 of the Legislature of 1951, approved September 12, 1951. (Acts of 1951, Vol. 2, page 1665) is hereby expressly repealed. All other laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1959.

Time: 5:30 P. M.

Act No. 259

H. 591—Martin

AN ACT

To permit the use of facsimile signatures on bonds, warrants, notes, and certificates issued by any county, municipality, board of education, or public corporation in this state, the use of facsimile signatures thereon in any instance where authentication, certification of validation or registration, or other certification is required or permitted to be recorded thereon, and the reproduction in facsimile of any seal required or permitted to be affixed or impressed thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. In any instance where any bond, warrant, note,

or certificate is issued by any county, municipality, board of education, or public corporation in this state and is required or permitted to be executed or attested by more than one person, a facsimile of the signature of any one of more of the persons or officers executing or attesting the same may be imprinted or otherwise reproduced on such instrument; provided, that at least one signature so required shall be manually subscribed thereon. In any instance where any interest coupons are attached to any such bond, warrant, note or certificate in evidence of installments of interest payable thereon, a facsimile of any or all of the signatures required or permitted thereon may be imprinted or otherwise reproduced thereon and it shall not be necessary that any signature be manually inscribed on any such interest coupon. Any signature required or permitted to be placed on any such instrument for the purpose of attesting or authenticating the same, or certifying to the registration or validation thereof, or certifying to any other matter pertaining thereto, may be imprinted or otherwise reproduced thereon in facsimile, and it shall not be necessary that such signature be manually inscribed thereon. Any seal required or permitted to be affixed or impressed on any such instrument may be imprinted or otherwise reproduced thereon in facsimile.

Section 2. Notwithstanding the fact that, prior to delivery of any bond, warrant, note, or certificate executed as provided in the preceding section, any of the officers whose signatures appear thereon should cease to hold office, such instrument shall be valid to the same extent as if the officers whose signatures appear thereon were serving as such officers at the time of such delivery.

Section 3. This act shall not be construed to repeal any other law authorizing the execution with facsimile signatures of or the reproduction of facsimile seals on, bonds, warrants, notes, or certificates for the payment of money.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1959.

Time: 5:32 P. M.

Act No. 260

H. 592—Martin

AN ACT

To Amend Section 107 of Title 12 of the Code of Alabama of 1940 so as to provide for the execution of bonds of counties by any two or more officers designated for that purpose by the governing body of the county, and so as to permit the use of facsimile signatures and seals in the execution of such bonds.

Be It Enacted by the Legislature of Alabama:

(1) Section 107 of Title 12 of the Code of Alabama of 1940 is hereby amended so that the said section shall read as follows:

§107. Execution and delivery of bonds. Bonds of a county shall be signed by the manually subscribed or facsimile signature of any two or more officers of the county holding office at the time of such signing, as shall be designated by the governing body of the county by whose authority the bonds are issued; provided, that at least one signature required or permitted to be inscribed on such bonds shall be manually subscribed thereon. The seal of the county, or of the governing body thereof, or of the probate court thereof, as shall be designated by the governing body, shall be affixed to the bonds; provided, that when so authorized by the governing body the seal designated by it to be used may be imprinted or otherwise reproduced on the bonds. Interest coupons attached to the bonds may be executed with the facsimile signatures of the officers whose signatures appear on the bonds. The delivery of bonds so executed shall be valid notwithstanding any change in officers or in the seal after the signing and sealing of the bonds.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1959.

Time: 5:33 P. M.

Act No. 261

H. 531—Guthrie

AN ACT

To amend Section 1 of the act of August 19, 1957, changing the method of compensating certain officers of Cullman County (Act No. 297, H. 554, Acts 1957, Vol. I, p. 379).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of the act of August 19, 1957, changing the method of compensating certain officers of Cullman County (Act No. 297, H. 554, Acts 1957, Vol. I, p. 379) is hereby amended to read as follows:

“Section 1. The following officers of Cullman County shall receive the following annual salaries in lieu of all other compensation:

“(a) Probate Judge \$ 9,000.00
 Clerk Hire allowance 18,500.00
 Any unexpended balance of such clerk hire allowance remaining at the end of the year shall revert to the county treasury, and the appropriation therefor shall lapse.

- "(b) Sheriff 8,500.00
 Chief Deputy 4,000.00 to 4,500.00
 3 Deputies 3,500.00 to 3,800.00 each
 Sheriff's clerk 2,000.00 to 3,000.00
 Only fees on illicit whiskey go to Sheriff—balance to
 County General fund.
- "(c) Tax Assessor 7,000.00
 Clerk Hire allowance 6,000.00
- "(d) Tax Collector 7,000.00
 Clerk Hire allowance 6,000.00
- "(e) Circuit Clerk 6,000.00
 Clerk Hire allowance 4,500.00
- "(f) Register of the Circuit Court 6,000.00
 1 Deputy Register 2,000.00 to 3,600.00"

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 6, 1959.

Time: 5:34 P. M.

Act No. 262

H. 622—Cates

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution provided (One) The same is approved by a majority of the qualified electors voting thereon in the election provided by Section 2 hereof; (Two) The same is approved by a majority of the qualified electors who shall vote thereon in an election in Shelby County to be held concurrent with the general election to be held in said County in November, 1960, and (Three) The same is proclaimed by the Governor.

Proposed Amendment

"The Legislature may from time to time, by general or local laws applicable to or operative in Shelby County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Shelby County; and may place any or all of such officers on

a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid and the governing body of said county may appropriate money from the general fund to pay (1) the salaries of persons employed in the offices of each of said officials, and (2) all other legal expenses incurred by said officials in the performance of their duties including the purchase and maintenance of motor vehicles by the sheriff."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House September 18, 1959 as amended.

Passed the Senate October 6, 1959.

Act No. 263

S. 264—Cooper and Archer

AN ACT

To make an appropriation to the board of trustees of Alabama Polytechnic Institute for capital outlays at certain branch experiment stations.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of 73 thousand dollars (\$73,000), or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated to the use of the board of trustees of Alabama Polytechnic Institute, to be expended as follows: 45 thousand dollars (\$45,000) shall be used to construct and equip an auditorium at the Black-belt Branch Station located at Marion Junction and 28 thousand dollars (\$28,000) shall be used to construct and equip a seed processing and storage facility at the Foundation Seed Stock Farm at Thorsby.

Section 2. This Act shall take effect October 1, 1959, or if enacted after that date, immediately upon its enactment.

Approved October 9, 1959.

Time: 7:00 P. M.

Act No. 264

S. 348—Eddins

AN ACT

Relating to the holding of elections in Marengo County; requiring the court of county commissioners, board of revenue, or other like governing body of Marengo County to provide for the purchase, installation, and use of voting machines in all elections held within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Marengo County is hereby authorized and required to provide for the purchase, installation, and use of voting machines in all elections held within the county, without first submitting the question of the installation of voting machines to a vote of the qualified electors of the county or of any municipality therein. The purchase, installation, and use of voting machines provided for pursuant to this Act, except as otherwise provided herein, shall be governed by the provisions of Article 7 of Chapter 1, Title 17, Code of Alabama (1940), as amended. The county governing body shall, from time to time, determine the number of voting machines to be used in elections held within the county, and shall alter or rearrange the boundaries of election districts or precincts and designate the places or locations within such election districts or precincts where voting machines shall be used, in order to make the most effective and practical use of such voting machines.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:01 P. M.

Act No. 265

S. 352—Jones

AN ACT

Relating to Elmore County: To provide for a Clerk in the office of the Clerk of the Circuit Court of Elmore County, Alabama; to fix the method and basis of such Clerk's employment and compensation, and to designate the fund from which payable; to repeal all laws in conflict herewith; to provide that the partial invalidity of this Act shall not affect the remainder thereof; and to fix the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the Circuit Court of Elmore County,

Alabama, is hereby authorized to employ a clerk, if in his judgment it is necessary to the proper functioning of his office, said clerk to serve at the will and pleasure of the Clerk of the Circuit Court of Elmore County, Alabama. The Clerk of the Circuit Court of said County shall fix the salary of such Clerk at Twenty One Hundred (\$2100.00) Dollars per annum.

Section 2. The salary of said clerk appointed as hereinbefore provided shall be paid out of the General Fund of Elmore County, Alabama, in equal monthly installments of One Hundred Seventy-Five (\$175.00) Dollars per month, said payments to be made by warrant drawn by the Court of County Commissioners of Elmore County, Alabama.

Section 3. Should any clause, sentence, paragraph, part of section of this act be invalid, such invalidity shall not affect, impair or invalidate the remainder of this Act.

Section 4. All laws, general, local and special, in conflict herewith, are hereby repealed insofar as they conflict herewith.

Section 5. This act shall become effective on the first day of the month next succeeding its passage and approval, or its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:02 P. M.

Act No. 266

H. 595—Perry, Morrow, Locke,
Hawkins, Rast, Sessions

AN ACT

Relating to the municipality of the City of Graysville in Jefferson County: To alter, rearrange, and extend the boundaries and corporate limits of the City of Graysville.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of the City of Graysville in Jefferson County are hereby altered, rearranged, and extended to include within the corporate limits of the City of Graysville the following described territory situated in Jefferson County, Alabama, in addition to that already within the corporate limits of said City, to-wit:

NW $\frac{1}{4}$ OF NW $\frac{1}{4}$ AND SW $\frac{1}{4}$ OF NW $\frac{1}{4}$, SECTION 29, TOWNSHIP 16 SOUTH, RANGE 4 WEST, SITUATED IN JEFFERSON COUNTY, ALABAMA.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:03 P. M.

Act No. 267

H. 783—Morrow, Hawkins, Sessions, Perry,
Locke, Edwards, Rast

AN ACT

To amend Section 4 of Act No. 929 of the regular session of the Legislature of Alabama of 1951 approved September 12, 1951 (Acts 1951, page 1579) as amended by Act No. 194 of the 1955 session of the Legislature of Alabama (Acts 1955, page 478) entitled "AN ACT to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 4 of Act Number 929 of the regular session of the Legislature of Alabama of 1951 approved September 12, 1951 (Acts 1951, page 1579) as amended by Act No. 194 of the 1955 session of the Legislature of Alabama (Acts 1955, page 478) entitled, "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system", be and said Section 4 hereby is amended so as to read as follows:

Section 4. Definitions. The following words, terms and phrases, wherever used in this act, including this section, shall have the meanings respectively ascribed to them in this section, unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended. "The City", this term shall mean and have reference to each such city, separately, as may have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census. "The Board of Health", the county board of health whose territorial jurisdiction includes the territory of the city. "The system", the system provided by, and comprised within, Sections 3 to 25, both inclusive, of this act, and such system shall be the system applicable in and for each such city, individually, as may have a population of two hundred and fifty

thousand or more inhabitants according to the last or any succeeding federal census. "Date of establishment", date of establishment of the system for a city. The date of establishment of the system for each city which has a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this act shall be deemed September 1, 1937. The date of establishment of the system for each such city as does not have a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this act but which may have such a population according to any federal census succeeding the passage of this act shall be deemed the date upon which such city first reaches such population according to such succeeding federal census. "The fund", the retirement and relief fund provided for as a part of the system, and shall include assets in the form of money and in other forms. "Employee", a human being between whom and the city there exists the technical relationship of employer and employee, whether such person be employed through the principal governing body of the city or through a subsidiary body such as a park board or library board. "Qualified Employee", an employee of the city other than (1) an officer elected by the people, or (2) a common laborer or (3) an employee whose employment affirmatively contemplates actual active duty or service for the city upon less than sixteen days per calendar month regularly or (4) a member of a board such as a library, museum, park or zoning adjustment board whose employment contemplates actual active duty or service for the city upon intermittent business days regularly and not upon successive business days regularly. "Employee member", a person who is simultaneously a qualified employee and a member of the system. "In the service", in the service of the city. A person shall be deemed in the service of the city while the technical relationship of employer and employee subsists between him and the city. "In the classified service", in the classified service as defined in any civil service statute or rule now or hereafter applicable to the city, and for the purposes of this act only shall include full time recorders, regularly assigned to the trial of cases. "Salary", money remuneration of a qualified employee for time in the service. "Payroll period", a period of time for which a payment of salary is ordinarily made to or for or to and for a qualified employee. "Earnable daily rate", the monthly rate of money compensation of a qualified employee as fixed by the governing body of the city or other authorized public authority, divided by thirty. "Salary days", such number of days of a payroll period as equals the actual amount of salary paid to or for or to and for a qualified employee for time in the service in such payroll period, divided by the daily earnable rate of such qualified employee for such payroll period. "Paid membership time", the aggregate of salary days of an

employee member from the salary for which deduction is made for the fund and where an employee member under subdivision (b) of Section 7 hereof pays into the fund an amount which includes all contributions such employee member would have made to the fund had he not theretofore have elected to withdraw from membership under the provisions of subdivision (a) of Section 8 then such paid membership time shall also include the aggregate salary days from the salary upon which such amount was computed. Three hundred sixty salary days shall constitute a year of paid membership time, but this shall not be construed to mean that less than 365 actual days may be counted as a year of creditable time. "Prior service time", time of a qualified employee in the service prior to date of establishment, except time in the service prior to date of establishment for which the employee may have received no service pay from the city. "Creditable time", the creditable time of an employee member who may be such employee member on date of establishment, or within six months thereafter, shall include all his prior service time as a qualified employee and all his paid membership time, and the creditable time of any other employee member shall include only his paid membership time. "Final Average Salary", the final average salary of any employee for purposes of computation of retirement or disability allowance shall be the total amount of his salary for such period of five years of consecutive creditable time as may be most favorable to him, divided by sixty; provided, however, that if, because of fault, misconduct or inefficiency upon his part, an employee shall have been demoted more than five years prior to date of his retirement or date of commencement of his disability, as the case may be, such most favorable period shall be subsequent to date of demotion, and provided, further, that if an employee shall have been demoted for such cause within five years of date of his retirement or date of commencement of his disability, as the case may be, or if he do not have five years of consecutive creditable time, his final average salary shall be the total amount of his salary for the five years of creditable time next preceding date of his retirement or date of commencement of his disability, as the case may be, divided by sixty. "Beneficiary", one in whose favor monetary liability against the fund is accruing on account of retirement, widowhood or disability. "Severance nominee", one designated as such under Section 17 of this act. "The Board", the Board of Managers provided for in the system. "The City Comptroller", the employee of the city whose duties are those of treasurer or chief financial employee. "The custodian", the custodian of the fund. "The Personnel Board", the board of control of any civil service system provided for the city by statute, or, if at any time there be no such board of control, the principal governing body of the city. "The Personnel Director", the personnel

director provided for the city by statute, or, if there be no such personnel director, the city clerk, the custodian or another as the Board may determine. "Gender", the masculine gender shall include the feminine.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:04 P. M.

Act No. 268

H. 810—Perry, Locke, Morrow, Edwards,
Hawkins, Rast, Sessions

AN ACT

To fix and require the payment of fees and costs in each case filed in the Jefferson County Civil Court; to require that all such fees be paid into the county treasury of Jefferson County; and to provide the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The fees and costs that are now allowed by law to Justices of the Peace in Jefferson County, Alabama, or which may hereafter be allowed by law in courts of the Justices of the peace in Jefferson County, Alabama, shall be taxed, collected and paid into the County Treasury of Jefferson County, Alabama, on each suit filed in the Jefferson County Civil Court. There shall also be taxed, collected and paid into the County Treasury on each suit filed in the Jefferson County Civil Court a fee for docketing each case in the amount of sixty cents (60c), and, in addition, a suit fee in the amount of five and 50/100 dollars (\$5.50). Said suit fee shall not be imposed and collected in any ancillary proceedings, such as garnishment process, resulting from prior proceedings on which said suit fee has been imposed.

Section 2. All laws and parts of laws, general, special, private or local, in conflict with this Act are hereby expressly repealed.

Section 3. This law shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:05 P. M.

Act No. 269

H. 637—Jones (Monroe)

AN ACT

To apply in all counties having a population of not less than 25,725 nor more than 25,875, according to the last or any subsequent federal decennial census; providing for the compensation of the chief clerk of the judge of probate in every such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief clerk of the judge of probate in every county having a population of not less than 25,725 nor more than 25,875, according to the last or any subsequent federal decennial census, shall be entitled to a salary of not more than three hundred fifty dollars a month, which shall be fixed and determined by the court of county commissioners, board of revenue, or other like governing body of the county, and shall be paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:06 P. M.

Act No. 270

H. 654—Murphy, Hocklander

AN ACT

Relating to Mobile County; authorizing and directing the board of revenue and road commissioners of the county to establish and maintain a special fund to be used and expended by the sheriff of the county in law enforcement and in the conduct of his office; and regulating the disbursement of the moneys in this fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue and road commissioners of Mobile County is hereby authorized and directed to appropriate from the county treasury each year an amount not less than one thousand eight hundred dollars (\$1,800), to be used and expended by the sheriff of Mobile County as provided in Section 2 of this Act.

Section 2. The sheriff of Mobile County is hereby authorized to make requisition on such fund for the payment of expenses incurred by him in law enforcement and in the proper discharge and conduct of the duties of his office, as he may see fit. The county treasurer or other custodian of the funds of Mobile County shall make payments from this fund upon the requisition of the sheriff of Mobile County.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:07 P. M.

Act No. 271

H. 674—Harris

AN ACT

Relating to the establishment, construction, reconstruction, repair, and maintenance of roads and bridges in all counties having a population of not less than 41,000 nor more than 47,000, according to the last or any subsequent federal decennial census; providing for a referendum election to determine whether the state or the county will have and exercise jurisdiction, supervision, and control over county roads and bridges.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of not less than 41,000, nor more than 47,000, according to the last or any subsequent federal decennial census.

Section 2. Upon the petition of twenty-five percent of the number of voters voting in the last preceding general election being filed with the probate judge of the county, the probate judge must call an election for the county to determine the sentiment of the voters as to whether the state, by and through the state highway department, or the director thereof, or the county, by and through the court of county commissioners, board of revenue, or other like governing body of the county, shall have jurisdiction, supervision, and control over the establishment, construction, reconstruction, repair, and maintenance of public roads and bridges in the county. The election shall be held and the officers appointed to hold the same in the manner provided by law for holding other county elections, and the returns thereof shall be tabulated and results certified as provided by law for such elections. The election shall be held not less than thirty nor more than forty-five days from the date of filing of said petition, and notice thereof shall be given by the probate judge by publication at least three weeks before the date of said election, in a newspaper in the county, or, if there be none, by posting such notice at the courthouse, apprising the voters of the county that an election will be held in the several precincts thereof on the proposition herein stated. The cost of the election, including the cost of notice by publication, shall be paid out of the general fund of the county. On the ballot to be used for such election the question shall be in the following form: "Do you favor the State of Alabama exercising control over county roads and bridges? Yes..... No....." Only qualified voters of the county shall be entitled to vote at the election. If a majority of the voters voting in the election vote "Yes," this Act shall have no further effect. However, if a majority of the voters voting in the election vote "No," the court of county commissioners, board of revenue, or other like governing body of the county, on the first day of the month following the month during which the election is held, shall be vested with exclusive jurisdiction, supervision, and control of the establishment, con-

struction, reconstruction, repair, and maintenance of public roads and bridges within the county.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:08 P.M.

Act No. 272

H. 691—Grouby

AN ACT

To regulate the compensation of the solicitor of Autauga County; amending Section 5 of Act No. 77, H. 325, approved July 7, 1947 (Local Acts 1947, p. 55).

Be It Enacted by the Legislature of Alabama:

Section 5 of Act No. 77, H. 325, approved July 7, 1947 (Local Acts 1947, p. 55), the act creating the office of County Solicitor of Autauga County, is amended to read as follows:

"Section 5. That the County Solicitor of Autauga County, Alabama, shall receive a salary of not less than 24 hundred dollars per annum and not more than three thousand dollars per annum to be paid out of the general fund of said county in twelve equal installments, said salary to be fixed by the Board of Revenue of Autauga County, Alabama."

Approved October 9, 1959.

Time: 7:09 P. M.

Act No. 273

H. 692—Grouby

AN ACT

To provide for the repair, maintenance, and servicing of motor vehicles, automotive equipment, and machinery used in the construction and maintenance of public roads and bridges in Autauga County.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Autauga County shall provide and maintain a central garage, shop, or other facility where the motor vehicles, automotive equipment, and machinery used in the construction and maintenance of roads and bridges within the county can be serviced, repaired, and maintained in good working order by mechanics, servicemen, and attendants employed by the county. The county governing body shall also appoint a superintendent or foreman for the county garage or

shop, and fix his tenure and compensation, and shall employ such mechanics and other personnel as may be necessary to operate the same.

Section 2. This Act shall take effect on the first Monday after the second Tuesday in January, 1961.

Approved October 9, 1959.

Time: 7:10 P. M.

Act No. 274

H. 704—Rozelle

AN ACT

TO alter and re-arrange the boundary lines of the City of Brewton, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Escambia County, Alabama contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines of the City of Brewton, Escambia County, Alabama be and the same are altered and re-arranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory described as follows:

All that part of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) in Section Thirty-one (31), Township Two (2) North of Range Ten (10) East that lies North and East of Cobb Branch and South and West of Garrett Farm Road, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NE cor. of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$) in Section Thirty-one (31), Township Two (2) North of Range Ten (10) East; thence run West 1870 feet, more or less, to the center of Cobb Branch; thence run in a Southeasterly direction for a distance of 1900 feet, more or less, along the center of said Branch to the South line of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of said Section Thirty-one (31), thence run East along the South line of said forty for a distance of 470 feet, more or less, to a point on the West line of Garrett Farm Road, thence run in a Northwesterly direction along the West line of said Garrett Farm Road for a distance of 1800 feet, more or less, and to the starting point, situated, lying and being in Escambia County, Alabama.

Section 2. That this Act shall go into effect immediately upon its approval by the Governor.

Approved October 9, 1959.

Time: 7:11 P. M.

Act No. 275

H. 710—Hawkins, Sessions, Locke, Perry,
Rast, Edwards, Morrow

AN ACT

To authorize the Health Officer of any county of this State having a population of 500,000 or more according to the last or any subsequent Federal census to obtain, perform or require an autopsy on or internal examination of the body of any person whose death the said Health Officer has reason to believe was caused by communicable disease or other cause related to the protection of the public health; to authorize the said Health Officer to make all necessary and reasonable orders to secure and facilitate the making of such autopsy or internal examination; to provide that it shall be a misdemeanor for any person to impede, interfere with or obstruct the said Health Officer in his making or performing any such autopsy or examination, or to impede, interfere with or obstruct any other person in making or performing such autopsy or examination at the request of the said Health Officer; and to provide for the payment of expenses relating to said autopsy or internal examination.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to each county of the State of Alabama having a population of 500,000 or more according to the last or any subsequent Federal census. The word "county" as used in this Act shall mean a county having such population according to the last or any subsequent Federal census.

Section 2. Where the Health Officer of the county has reason to believe that a person has died as the result of a communicable disease, or as the result of any cause relating to the public health, the Health Officer shall be authorized to obtain, perform, or require an autopsy on or internal examination of the body of such person; provided, however, that where a physician certifies the cause of death, such autopsy or internal examination shall not be performed without the permission of the surviving spouse, if any, or if there is no surviving spouse the next of kin of the deceased. Any autopsy or internal examination performed pursuant to this Act shall be performed within a period of six (6) hours from time of death. Authority is hereby vested in the said Health Officer to make all necessary and reasonable orders to compel and facilitate the making of such autopsy or internal examination.

The Health Officer prior to performing an autopsy under the provisions heretofore mentioned shall file an affidavit sworn to before a Notary Public stating the symptoms as well as circumstances which lead the Health Officer to conclude that the person has died as a result of communicable disease together with a statement of presumed cause of death. Said affidavit shall further state that there was no attending physician or that the attending physician suspected a communicable disease of importance to the public health and was uncertain of the diagnosis and that the provisions of this section have been complied with. Such affidavit shall be attached to the certificate of death.

Section 3. The expenses incurred in securing an autopsy or internal examination hereunder shall be paid out of the funds of the Board of Health of the county. Such expenses shall not exceed the sum of Fifty Dollars (\$50.00) per autopsy or internal examination.

Section 4. It shall be a misdemeanor for any person to impede, interfere with or obstruct the said Health Officer in his making or performing any such autopsy or examination, or to impede, interfere with or obstruct any other person in making or performing such autopsy or examination at the request of the said Health Officer; and any person violating any provision of this Act shall upon conviction be punished as provided for in Section 327, Title 15, Code of Alabama of 1940.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Section 6. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:12 P. M.

Act No. 276

H. 711—Perry, Rast, Locke, Morrow,
Sessions, Edwards, Hawkins

AN ACT

To provide for the relief of Lula Braxton, out of the general funds of the City of Birmingham, a municipality, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the City Commission of the City of Birmingham, a municipality, Jefferson County, Alabama, is hereby authorized to pay to Lula Braxton, the widow of Ben Braxton, the sum of Two Thousand and no/100 (\$2,000.00) Dollars, for the death of her husband, Ben Braxton, who died on April 23, 1958, as a consequence of his being struck down by a motorcycle on March 22, 1958, in the 3200 Block of 5th Avenue, North, in the City of Birmingham, Jefferson County, Alabama. Said motorcycle was owned by the City of Birmingham and was being operated by a police officer while acting in his line of duty for the said City at the time the accident occurred. The said sum of money is to be paid to the said Lula Braxton out of such monies as may be constitutionally available, and it shall be the duty of the City Comptroller to pay said sum out of the general fund of said City.

Section 2. This Act shall become effective immediately upon its passage or approval by the Governor or its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:13 P. M.

Act No. 277

H. 736—Gilchrist, Brewer

AN ACT

To Amend further Act No. 415, H. 665, approved September 24, 1919, as amended and revised by Act No. 66, H. 261 (Local Acts of Alabama, 1947, page 46) and as thereafter further amended, which established the Morgan County Court in order to authorize the judge of such court to fix, within a prescribed maximum, the salary of the reporter for such court and to give the Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The section of Act No. 415, H. 665, approved September 24, 1919, entitled "An Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court," which appears as Section 16 in the revision of said act accomplished by Act No. 66, H. 261, approved July 7, 1947 (Local Acts of Alabama, 1947, page 46), as thereafter amended, is hereby further amended to read as follows:

"Section 16. The judge of said court shall appoint a competent shorthand reporter to perform the duties of official court reporter of said court, who shall hold office at the pleasure of said judge and who shall receive as is prescribed by the judge, but not in excess of four thousand two hundred dollars per annum, payable in equal monthly installments out of the county treasury, on the certificate of the judge of said court. In all criminal cases and causes pending on the law side of said court there shall be taxed as part of the cost of the cause a reporter's fee of Three Dollars in each case, to be collected as other cost and paid by the clerk of said court into the county treasury for the benefit of the general fund. The said court reporter shall have authority to administer oaths and shall be an officer of the court and shall not be related to the judge of said court within the fifth degree."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The operation of this Act shall be retroactive to February 1, 1959, and all acts done and all payments made pursuant thereto on and after that date are ratified and confirmed.

Approved October 9, 1959.
Time: 7:14 P. M.

Act No. 278

H. 737—Brewer, Gilchrist

AN ACT

To amend further Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), which placed the judge of probate of Morgan County on a salary, prescribed certain duties of the judge of probate, and provided for clerical assistance, office space, supplies, and equipment necessary for the operation of his office; providing further for the clerk-hire allowance of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 70, H. 346, approved May 28, 1943 (Local Acts of Alabama, 1943, p. 34), as amended, which placed the judge of probate of Morgan County on a salary, prescribed certain duties of the judge of probate, and provided for clerical assistance, office space, supplies, and equipment necessary for the operation of his office, is amended further to read as follows:

“Section 4. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of the county, shall provide the judge of probate with the necessary books, records, equipment, furniture, fixtures, stationery, postage, and other supplies, and with sufficient clerks and assistants. The judge shall have the authority to select and employ and discharge at will his clerks and assistants, and to fix their compensation, but the total compensation of such clerks and assistants shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor, not to exceed the sum of twenty thousand dollars (\$20,000.00) per annum. The board shall have authority and it shall be its duty to make an allowance for such compensation and to raise and lower the same from time to time, subject to the maximum of twenty thousand dollars (\$20,000.00), as conditions and circumstances may warrant.”

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law and shall be retroactive to October 1, 1959.

Approved October 9, 1959.

Time: 7:15 P. M.

Act No. 279

H. 738—Gilchrist, Brewer

AN ACT

To amend further Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, page 789) as amended, which fixes the compensation of members of the Board of Revenue and Control of Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 437, H. 937, approved August 17, 1951 (Acts of Alabama, 1951, page 789), which fixes the compensation of the members of the Board of Revenue and Control of Morgan County, as amended, is hereby further amended to read as follows:

"Section 1. The members of the Board of Revenue and Control of Morgan County, Alabama, shall each receive an annual salary of four thousand eight hundred dollars (\$4,800.00), to be paid in equal monthly installments on the second Monday in each month, in addition to the mileage now allowed them by law for attending regular meetings of said board."

Section 2. This Act shall become effective upon the expiration of the terms of the incumbent members of the Board of Revenue and Control of Morgan County, in accordance with the provisions of Amendment XCII to the Constitution of Alabama.

Approved October 9, 1959.

Time: 7:16 P. M.

Act No. 280

H. 739—Brewer, Gilchrist

AN ACT

To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Morgan County, Alabama, shall hereafter establish and maintain a public law library in said County and, to accomplish said purpose, shall from time to time expend such public funds of said County as are hereinafter provided for said purpose and shall provide suitable housing quarters, furniture, fixtures and equipment therefor, shall keep the same in a good state of maintenance and repair, from time to time shall enlarge, expand and improve such facilities and equipment, and shall pay such expenses and salaries as may be necessary and proper to operate the same out of such special fund hereinafter provided as hereinafter set forth.

Section 2. To provide revenue for the establishment, maintenance, operation and financing of said library there are hereby taxed as costs the sum of \$1.00 in each civil or quasi civil action at law, suits in equity, criminal case, quasi criminal proceedings or forfeited bail bond proceedings or proceedings on a forfeited bond given in connection with an appeal from a judgement or conviction in any Justice of the Peace Court or municipal Court to the Morgan County Court of Morgan County, Alabama, or the Circuit Court of Morgan County, Alabama, which costs shall

be collected upon such suit or case filed in, arising in or brought by appeal, certiorari or otherwise to the Circuit Court of Morgan County, Alabama, or the Morgan County Court of Morgan County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said Court or the Register in Chancery thereof, as the case may be, and shall be paid to the treasurer of Morgan County, Alabama, which shall be kept by him in a separate fund designated as "Morgan County Law Library Fund" and shall be expended by the Morgan County Library Management Committee hereinafter created on warrants of the Chairman of said committee drawn on the treasurer of Morgan County for expenditures as hereinafter provided with said warrants bearing the notation of the funds against which the same are drawn.

Section 3. The management of said law library is vested in the Morgan County Library Management Committee which shall consist of the Circuit Judges of the Circuit Court of Morgan County, Alabama, the Judge of the Morgan County Court of Morgan County, Alabama, the President of the Morgan County Bar Association, and the Secretary-Treasurer of the Morgan County Bar Association. The presiding Judge of the Circuit Court of Morgan County, Alabama, shall be the Chairman of the Morgan County Library Management Committee, and such committee shall have full and complete authority to purchase such books and periodicals as may in the opinion of said committee be advisable, and said committee may from time to time sell or exchange any books, reports, periodicals and personal property for other books or may apply the proceeds of the sale thereof upon the purchase of other books, reports, periodicals and personal property for use in said library, and said committee may accept any gifts and loans of any such books, reports, periodicals and personal property for use in said library upon such terms and conditions as may be agreeable to said committee and to the donor or lender thereof. The committee may employ or use such personnel as may be necessary and proper to operate said library and may designate any employee of the Court or may employ other Court officials to operate the same or to assist therein.

Section 4. The Morgan County Library Management Committee shall have full authority to execute and enter into contracts in connection with the operation and maintenance of said law library and may purchase such books and periodicals on such terms as it may deem expedient and in the best interest of the law library in order to carry out the purposes and intent of this act, and any and all such contracts shall be a proper charge against the law library fund of Morgan County only and shall not be a general obligation of the County or an obligation of the committee as individuals. The Committee shall have the author-

ity to purchase such personal property as may be necessary to operate said library.

Section 5. The said items of costs above taxed and referred to shall be designated in said costs as "Law Library Fee" and when any costs in such case or proceedings shall have been paid, the amount necessary for the payment of said fee shall be applied thereto, except that in the case of a part payment of any cost bill in any case or proceedings a proportionate amount of said fee shall be paid in proportion to the relation said fee bears to the total cost bill; the Clerks of the respective Courts and the Register in Chancery shall pay to the said County Treasurer the amounts collected for said law library fees on or before the 10th day of each month following their collection.

Section 6. All books, periodicals, reports and personal property of the Morgan County Law Library shall be the property of Morgan County, Alabama.

Section 7. If any sentence, clause, provision or section of this act shall be declared invalid, the remainder of said act shall not be affected, and the remainder thereof shall remain in full force and effect, notwithstanding such declaration with reference to any other part hereof.

Section 7a. The Secretary of State of the State of Alabama shall furnish to said Committee two sets of each Code adopted by the State of Alabama and two copies of each supplement thereto as the same are adopted or published.

Section 8. This Act shall become effective following its passage and approval by the Governor or upon its otherwise becoming a law on February 1, 1960.

Approved October 9, 1959.

Time: 7:17 P. M.

Act No. 281

H. 740—Brewer, Gilchrist

AN ACT

To amend further Act No. 415, H. 665, approved September 24, 1919, the act that established the county court for Morgan County (Local Acts 1919, p. 194), in relation to the compensation of the register of the circuit court of Morgan County for ex officio services performed in said court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 415, H. 665, approved September 24, 1919, as amended by an act approved July 7, 1947 (Act No. 66, H. 261, Local Acts 1947, pp. 46, 48) is amended further to read as follows:

"Section 9: That the Clerk of the Circuit Court of Morgan

County shall be ex officio clerk of said court and shall have the powers, and discharge the duties which will devolve upon the clerk of the circuit court, except in equity cases, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees as are now, or may hereafter, be allowed to circuit clerks of Alabama, and the same shall be collected as such fees are collected in the circuit court, and the Deputy Clerk of the Circuit Court of Morgan County shall be ex officio Deputy Clerk of the Morgan County Court, and exercise the same powers and duties as are exercised in the circuit court by such deputy clerks. The Register of the Circuit Court of Morgan County shall be ex officio Register of the Morgan County Court and as such ex officio register shall have the same powers and discharge the same duties which devolve upon the register of the circuit court, and shall be subject to the same pains and penalties with regard to the duties of the office, and shall be entitled to the same fees as are now or may hereafter be allowed registers of the circuit court, and the same shall be collected as such fees are collected in the circuit court. The Register of the Circuit Court shall also be entitled to the same amounts for ex officio services rendered in this Court as the Clerk of the Circuit Court, as provided by general laws, to be allowed and paid in the same manner as provided for said Clerk."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:18 P. M.

Act No. 282

H. 741—Gilchrist, Brewer

AN ACT

To amend further Sections 1 and 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), as amended, which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor, is amended further to read as follows:

"Section 1. The salary of the Tax Assessor of Morgan County, Alabama, shall be SEVEN THOUSAND TWO HUNDRED DOL-

LARS (\$7,200.00) per year, and shall be paid out of the County Treasury of Morgan County, in equal monthly installments, at the end of each month."

Section 2. Section 3 of Act No. 361, H. 878 (Local Acts of Alabama, 1939, p. 248), as amended, which fixed the compensation or salary to be paid the Tax Assessor of Morgan County, provided clerical assistance, supplies and equipment for his office, and prescribed certain duties of the tax assessor, is amended further to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax assessor, but the tax assessor shall select such clerks, deputies and assistants and fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed SEVEN THOUSAND DOLLARS (\$7,000.00) per annum. The tax assessor shall have the right to discharge such clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semimonthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the books, commonly known as 'Tax Abstract,' provided for by section 65 of Title 51 of the Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same. The compensation of the clerks and assistants shall be paid in semimonthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax assessor and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax assessor from time to time as conditions may warrant, not to exceed however the sum of SEVEN THOUSAND DOLLARS (\$7,000.00) per annum."

Section 3. Section 1 of this Act shall become effective upon the expiration of the term of the incumbent tax assessor of Morgan County in accordance with the provisions of Amendment XCII to the Constitution of Alabama. Section 2 of this Act

shall become effective on its passage and approval by the Governor or upon its otherwise becoming a law, and shall be retroactive to October 1, 1959.

Approved October 9, 1959.

Time: 7:19 P. M.

Act No. 283

H. 742—Brewer, Gilchrist

AN ACT

To alter, rearrange, and redefine the boundaries of the four subdivisions of Morgan County heretofore designated as districts for certain purposes prescribed by law.

Be It Enacted by the Legislature of Alabama:

SECTION 1: The boundaries of the four subdivisions of Morgan County designated as districts for the purposes prescribed by Act No. 129 approved March 9th, 1939, (Local Acts 1939, P. 70) are hereby altered, rearranged, and redefined as follows:

DISTRICT ONE shall embrace and be composed of the following described territory: Beginning at the intersection of the Tennessee River with the County line dividing Morgan and Lawrence Counties; thence due South along said County line to its intersection with the West Fork of Flint Creek; thence in an easterly direction with the meanderings down said fork of Flint Creek to a point where said Creek intersects the center line of Section 25, Township 6, Range 5 West; thence East along said line to its intersection with the east fork of Flint Creek; thence in a northeasterly direction with the meanderings down said East fork of Flint Creek to its intersection with the old right of way of the Louisville and Nashville Railroad; thence southeasterly with said right of way to the South line of Section 28, Township 6, Range 4 West; thence East to the Southeast corner of Section 27, Township 6, Range 3 West; thence North to the Northeast corner of said Section 27; thence East to Cotaco Creek; thence northerly with the meanderings down said Creek to the Tennessee River; thence down the Tennessee River to the point of beginning.

DISTRICT TWO shall embrace and be composed of the following described territory: Beginning at the intersection of the West fork of Flint Creek with the County line between Lawrence and Morgan Counties; thence easterly with the meanderings down the said West fork of Flint Creek to where said Creek intersects the center line of Section 25, Township 6, Range 5 West; thence due East to the East fork of Flint Creek; thence northerly with the meanderings down said East fork of Flint Creek to the old right of way of the Louisville and Nashville

Railroad; thence southeasterly along said right of way to the South line of Section 28, Township 6, Range 4 West; thence due east to the Southeast corner of Section 27, Township 6, Range 3 West; thence due North to the Northeast corner of said Section 27; thence due East to Northeast corner, Section 29, Township 6, Range 2 West; thence due South to the Northeast corner of Section 5, Township 7 South, Range 2 West; thence due West to the Northwest corner of said Section 5; thence due South to the Northwest corner of Section 29, Township 7, Range 2 West; thence due West to Northwest corner of Section 25, Township 7, Range 3 West; thence due South to Southwest corner of NW $\frac{1}{4}$ of Section 25, Township 7, Range 3 West; thence due West to Shoal Creek; thence in a Southwesterly direction with the meanderings down said Creek to its intersection with Flint Creek; thence in a southwesterly direction down Flint Creek with its meanderings to the East line of Section 32, Township 7, Range 4 West; thence South to the Southeast corner of Section 32, Township 7, Range 4 West; thence due West to the County line between Lawrence and Morgan Counties; thence North along said line to the point of beginning.

DISTRICT THREE shall embrace and be composed of the following described territory: Beginning at the Northwest corner of Section 6, Township 8, Range 5 West; thence due East to the Southeast corner of Section 32, Township 7, Range 4 West; thence due North to Flint Creek; thence easterly with the meanderings up Flint Creek to its intersection with Shoal Creek; thence Northeasterly with the meanderings up Shoal Creek to the center line of Section 27, Township 7, Range 4 West; thence due East to the Southeast corner of NE $\frac{1}{4}$ of Section 26, Township 7, Range 3 West; thence due North to Northeast corner of NE $\frac{1}{4}$, Section 26, Township 7, Range 3 West; thence due East to Northeast corner of Section 30, Township 7, Range 2 West; thence due South to the Southeast corner of Section 30, Township 7, Range 2 West; thence due East to Northeast corner of Section 34, Township 7, Range 2 West; thence due South to Southeast corner of Section 34, Township 7, Range 2 West; thence due East to Cotaco Creek; thence with the meanderings up Cotaco Creek to the County line between Cullman and Morgan Counties (being the South line of Section 29, Township 8, Range 1 West); thence due West to the Southwest corner of Section 30, Township 8, Range 5 West; thence due North to the point of beginning.

DISTRICT FOUR shall embrace and be composed of the following described territory: Beginning at the Southeast corner of Section 25, Township 8, Range 1 West; thence northerly along the County line between Morgan and Marshall Counties to the Tennessee River; thence with the meanderings down the Tennessee River to Cotaco Creek; thence up said Cotaco Creek with its meanderings to the South line of Section 23, Township 6,

Range 2 West; thence West to Northwest corner of Section 28, Township 6, Range 2 West; thence due South to the Northeast corner of Section 5, Township 7, Range 2 West; thence due West to the Northwest corner of said Section 5, Township 7, Range 2 West; thence due South to the Southwest corner of Section 29, Township 7, Range 2 West; thence due East to the Southeast corner of Section 27, Township 7, Range 2 West; thence due South to Southeast corner of Section 34, Township 7, Range 2 West; thence due East to Cotaco Creek; thence southerly with the meanderings up Cotaco Creek to the South line of Section 29, Township 8, Range 1 West, being the County line between Morgan and Cullman Counties; thence due East to the point of beginning.

SECTION 2: All laws or parts of laws in conflict herewith are hereby expressly repealed.

SECTION 3: This act shall take effect upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:20 P. M.

Act No. 284

H. 743—Gilchrist, Brewer

AN ACT

To amend further Sections 1 and 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, P. 278), which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, p. 278), as amended, which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies and equipment for the conduct of his office, and prescribed certain duties of the tax collector, is amended further to read as follows:

“Section 1. The salary or compensation of the Tax Collector of Morgan County, Alabama, shall be SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200.00) per annum, and said annual salary shall be paid out of the county treasury of Morgan County, in equal monthly installments, at the end of each month.”

Section 2. Section 3 of Act No. 464, H. 879, approved September 15, 1939 (Local Acts of Alabama, 1939, p. 278), as amended, which fixed the compensation or salary to be paid the tax collector of Morgan County, provided clerical assistance, supplies

and equipment for the conduct of his office, and prescribed certain duties of the tax collector, is amended further to read as follows:

"Section 3. The Board of Revenue and Control or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax collector, but the tax collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of such clerks, deputies and assistants selected by him shall not exceed seven thousand dollars (\$7,000.00) per annum. The tax collector shall have the right to discharge such clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor. The compensation of the clerks and assistants shall be paid in semimonthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax collector and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax collector from time to time as conditions may warrant not to exceed, however, the said sum of seven thousand dollars (\$7,000.00) per annum."

Section 3. Section 1 of this Act shall become effective upon the expiration of the term of the incumbent tax collector of Morgan County in accordance with the provisions of Amendment XCII to the Constitution of Alabama. Section 2 of this Act shall become effective on its passage and approval by the Governor or upon its otherwise becoming a law, and shall be retroactive to October 1, 1959.

Approved October 9, 1959.

Time: 7:21 P. M.

Act No. 285

H. 772—Grouby

AN ACT

Relating to the municipality of Prattville in Autauga County; To alter and rearrange the boundaries of the City.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the municipality of Prattville in Autauga County are hereby altered and rearranged to include within the corporate limits of the city the following described land lying and being in Township 17, Range 16, Autauga County:

Commencing at the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 3, Township 17, Range 16, thence West along the North line of Section 3, Section 4 and Section 5 of Township 17, Range 16, 7,920 feet to the point where the City Limits of the City of Prattville crosses the North line of Section 5 at the Northwest corner of the Northeast Quarter of the Northeast Quarter, of said Section, Township 17, Range 16, thence South along the present City Limits line to a point where same turns East thence East along said City Limits line to where same turns South, thence South along said City Limits line to where same turns East, which point is the mutual corner of Section 4, 5, 8 and 9, Township 17, Range 16, thence East along said City Limits line to point where same turns South, thence South along said City Limits line to point where same turns East, thence East along said City Limits line to a point where same turns Northwesterly, thence Northerly along said City Limits line to a point where same turns Easterly, thence West along the South line of said City Limits to the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 3, Township 17, Range 16, thence North along the East line of the West Half of the West half of Section 3, 5,280 feet to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:22 P. M.

Act No. 286

H. 781—Perry, Edwards, Hawkins, Rast,
Locke, Morrow, Sessions

AN ACT

For the relief of V. Chambliss authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate V. Chambliss for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Commission of Jefferson County, Alabama, is hereby authorized and empowered to appropriate from the County Treasury One Thousand Thirty-five and 48/100 Dollars (\$1,035.48) for the relief of V. Chambliss to compensate

him for damages done in 1958 to a well situated on lands owned by him, as a consequence of the construction by Jefferson County, Alabama, of Patton's Creek Trunk Sanitary Sewer, Section 3, and Patton's Creek Sewage Treatment Plant, under such circumstances that the County is morally obligated to pay the damages but the said Chambliss has no recourse at law to recover the same. If the County Commission concludes that the said County, in compensating the said Chambliss for the damages as aforesaid, can save money by purchasing in the name of the County any equipment or material required to be installed, or by entering into any contract in the name of the County for work or material secured to compensate Chambliss for the said damages as aforesaid, the County shall be authorized to do so; provided, however, that the total amount spent by the County, including any amount paid by the County on any such contract and the amount paid directly to said Chambliss, shall not exceed the said sum of One Thousand Thirty-five and 48/100 Dollars (\$1,035.48).

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:23 P. M.

Act No. 287

H. 784—Perry, Hawkins, Edwards, Rast,
Locke, Morrow, Sessions

AN ACT

For the relief of Mrs. E. H. Golden and L. L. Tryon, authorizing the County Commission of Jefferson County, Alabama, to make an appropriation from the County Treasury to compensate the said Golden and Tryon for certain damages.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Commission of Jefferson County, Alabama, is hereby authorized and empowered to appropriate from the County Treasury a sum not to exceed Two Thousand Dollars (\$2,000.00) for the relief of Mrs. E. H. Golden and L. L. Tryon to compensate them for damages done in 1958 to wells situated on lands owned by them, as a consequence of the construction by Jefferson County, Alabama, of Patton's Creek Trunk Sanitary Sewer, Section 3, and Patton's Creek Sewage Treatment Plant, under such circumstances that the County is morally obligated to pay the damages but the said Golden and Tryon have no recourse at law to recover the same. If the County Commission concludes that the said County, in compensating the said Golden and Tryon for the damages as aforesaid, can save money by purchasing in the name of the County any equipment or material

required to be installed, or by entering into any contract in the name of the County for work or material secured to compensate Golden and Tryon for the said damages as aforesaid, the County shall be authorized to do so; provided, however, that the total amount spent by the County, including any amount paid by the County on any such contract and the amount paid directly to said Golden and Tryon, shall not exceed the said sum of Two Thousand Dollars (\$2,000.00).

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:24 P. M.

Act No. 288

H. 785—Dodd

AN ACT

Relating to game and fish in Lawrence County; to prohibit the use of gill nets, hoop nets, and trammel nets in taking, capturing, or killing fish in public waters anywhere in Lawrence County; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Whoever takes, captures, or kills any fish in public waters anywhere in Lawrence County by means of a gill net, hoop net, or a trammel net is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars or a term at hard labor for the county not exceeding six months, or both. And it shall be unlawful for any person to use a gill net, hoop net, or trammel net in commercial fishing operations in public waters lying within Lawrence County, notwithstanding the fact that such person may hold a commercial fishing gear license issued pursuant to law or under the rules and regulations of the state department of conservation. The department of conservation shall see to it that this law is enforced.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:25 P. M.

Act No. 289

H. 796—Brewer, Gilchrist

AN ACT

To permit any bank now or hereafter having a combined or paid-in capital and paid-in or earned surplus of more than \$500,000 and having an authorized office or place of business in Decatur, Alabama, to establish, maintain and operate additional offices or places of business in such city or the police jurisdiction thereof, with the approval of the Superintendent of Banks.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the approval of this Act, subject to the provisions of Section 2 hereof, any bank authorized to engage in the banking business in Decatur, Alabama, now or hereafter having a combined paid-in capital and paid-in or earned surplus of more than \$500,000, and having an office or place of business in Decatur, Alabama, shall have power to establish, maintain and operate within the limits of such city or the police jurisdiction thereof, one or more branches or additional offices or places of business, provided that such bank, before the establishment of any such branch or additional office or additional place of business shall first secure the written consent thereto of the Superintendent of Banks of the State of Alabama.

Section 2. This Act shall take effect immediately, but no such additional branch, or office, or place of business shall be opened for the transaction of business prior to January 1, 1962.

Approved October 9, 1959.

Time: 7:26 P. M.

Act No. 290

H. 803—Callahan, Ferguson

AN ACT

To amend Sections 1, 3, and 4 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County; altering, modifying, and changing the rates of tax provided for therein and extending the applicability of such taxes to certain sales and to the storage, use, or other consumption of certain property within Tuscaloosa County heretofore exempt, and redefining certain terms.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County, is hereby amended to read as follows:

"Section 1. Definitions. The following words and phrases, wherever used in this act, shall have the following respective meanings:

The words "the state" mean the State of Alabama.

The words "the county" mean Tuscaloosa County in the state.

The words "the city" mean the City of Tuscaloosa in the state.

The words "the county board of education" mean the board of education of Tuscaloosa County, Alabama.

The words "the city board of education" mean the board of education of the City of Tuscaloosa, Alabama.

The words "the hospital board" mean the Druid City Hospital Board created by Act No. 540 adopted at the 1947 Regular Session of the Legislature of Alabama, approved 8 October 1947.

The words "the tax board" mean the Tuscaloosa County Special Tax Board created in Section 9 of this act.

The words "state sales tax statutes" mean the provisions of Act No. 100 adopted at the Special Session of the Legislature of Alabama which convened on 24 June 1959, approved 18 August 1959, and which becomes effective on 1 October 1959.

The words "state use tax statutes" mean the provisions of Article 11 of Chapter 20, Title 51, Code of Alabama of 1940, as amended by Act No. 99 adopted at the Special Session of the Legislature of Alabama which convened on 24 June 1959, approved 18 August 1959.

The words "quarterly period" mean each period of three calendar months commencing on each January 1, April 1, July 1, and October 1.

Pronouns include all genders.

Those of the words and phrases used in Section 3 of this act that are defined in the state sales tax statutes shall have the meanings respectively given them in the state sales tax statutes. Those of the words and phrases used in Section 4 of this act that are defined in the state use tax statutes shall have the meanings respectively given them in the state use tax statutes."

Section 2. Section 3 of Act No. 56 of the Regular Session of the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County, as amended by Act No. 250 of the Regular Session of the Legislature of Alabama of 1957, approved August 13, 1957 (Acts of Alabama, Regular Session 1957, Page 322), is hereby amended to read as follows:

"Section 3. Levy of Sales Tax. There is hereby levied in the county, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activi-

ties and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation (including the University of Alabama, and all other institutions of higher learning in the county, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within the county, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer on the gross sales of the entire business.

(b) Upon every person, firm, or corporation engaged, or continuing within the county, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football, basketball, and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be a denominational, state, county, or municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount equal to one per cent (1%) of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle or truck trailer or semi-trailer, an amount equal to one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross proceeds of the sale of said automotive vehicle or truck trailer or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the

tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Each exemption provided for in the state sales tax statutes, and as they may from time to time hereafter be amended, shall, during the period of time when such exemption shall be effective in said statutes, be applicable to the tax levied in this section; provided, that in the event of the repeal of the state sales tax statutes, as at any time amended, the exemptions effective therein immediately prior to any such repeal shall thereafter be applicable to the tax levied in this section. In addition thereto, and except as expressly enumerated hereinabove, there are hereby exempted from the tax levied in this section the gross receipts or gross proceeds of any business engaged in by any city or town in Tuscaloosa County and also the gross proceeds of the sale of machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property; provided that the term "machines", as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacement therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. In the absence of any express provision herein to the contrary, all provisions and procedures with respect to the application for and issuance of licenses, the making of returns or reports, the contents of returns or reports, collection and payment of taxes, keeping of records, reporting and paying taxes with respect to sales on credit, determination of the amount of the tax due, penalties, assessments, notices, and examinations of taxpayers and their books provided for in the state sales tax statutes with respect to the tax levied in those statutes shall be applicable to the tax levied in this section, excepting however the procedure for appeals from assessments, and such appeals shall be made as hereinafter set forth; provided however that any procedure or provisions involving the State Department of Revenue which is incorporated herein by reference to the state sales tax statutes shall be deemed to apply, with respect to the tax levied in this section, to the tax board. Every person, firm, or corporation engaged in any business upon which the tax levied in this section is imposed shall add the tax herein levied to the sales and admission price with respect to which the said tax is levied and shall collect the same from the purchaser.

(d) The sale of school lunches sold by all public and private schools in Tuscaloosa County, Alabama, is hereby expressly exempted."

Section 3. Section 4 of Act No. 56 of the Regular Session of

the Legislature of Alabama of 1953, approved June 3, 1953 (Acts of Alabama, Regular Session 1953, Page 76), being an Act levying additional privilege or license taxes in Tuscaloosa County, is hereby amended to read as follows:

"Section 4. Levy of Use Tax.

(a) An excise tax is hereby imposed on the storage, use or other consumption in the county of tangible personal property purchased at retail on or after the 1st day of October, 1959, for storage, use or other consumption in the county at the rate of one per cent (1%) of the sale price of such property, regardless of whether the retailer who made the sale is or is not engaged in business in the county, except as provided in subsection (b) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the county of any automotive vehicle or truck trailer and semi-trailer purchased at retail on or after October 1, 1959, for storage, use or other consumption in the county at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) of the sales price of such automotive vehicle, truck trailer or semi-trailer.

Every person storing, using or otherwise consuming in the county tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county, showing that the property in question was purchased at retail from such retailer and the tax levied in Section 3 hereof has been paid with respect to the purchase at retail of such property shall be sufficient to relieve the purchaser from further liability for a tax under this section with respect to the use, storage, or consumption of such property. Each exemption provided for in the state use tax statutes as amended by Act No. 99 of the 1959 Special Session of the Legislature of Alabama, approved 18 August 1959, and as they may from time to time hereafter be amended, shall, during the period of time when such exemption shall be effective in said statutes, be applicable to the tax levied in this section; provided, that in the event of the repeal of the state use tax statutes, as at any time amended, the exemptions effective therein immediately prior to any such repeal shall thereafter be applicable to the tax levied in this section. In addition thereto there is also exempted from the tax levied in this section all machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property; provided that the term 'machines', as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments

and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used. All provisions and procedures with respect to the filing of returns, collections and payment of taxes, keeping of records, making of reports, determination of the amount of the tax due, penalties, assessments, notices, examinations of tax payers and their books provided in the state use tax statutes, as hereafter amended, with respect to the tax levied in those statutes shall be applicable to the tax levied in this section excepting, however, the procedure for appeals from assessments, and such appeals shall be made as hereinafter set forth; provided, however, that any procedure or provisions involving the State Department of Revenue which is incorporated herein by reference to the state use tax statutes shall be deemed to apply, with respect to the tax levied in this section to the tax board."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall take effect October 1, 1959.

Approved October 30, 1959.

Time: 3:00 P. M.

Act No. 291

H. 186—Speaks, Cabiness

AN ACT

To amend the act approved August 1, 1951 making it a misdemeanor for any person, firm, or corporation to take, carry, transport, or remove a dead human body from within the confines of this State unless the same has been embalmed or cremated (Act No. 320, S. 287, Acts 1950-1951, Vol. I, p. 612).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of the act approved August 1, 1951 making it a misdemeanor for any person, firm, or corporation to take, carry, transport, or remove a dead human body from within the confines of this State unless the same has been embalmed or cremated (Act No. 320, S. 287, Acts 1950-1951, Vol. I, p. 612) is amended to read as follows:

"Section 1. It shall be unlawful for any person, firm, or corporation to take, carry, transport, or remove from within the confines of this State any dead human body unless said body has been embalmed or cremated. Any person, firm, or corporation who violates this Act shall be guilty of a misdemeanor and shall be, upon conviction, punished as prescribed by law. It is provided however, that nothing in this Act shall be construed to prohibit exportation of an unembalmed dead human body which

has been disposed of for the purpose of advancement of medical science, or for the replacement of diseased or worn out parts of other humans, or for the rehabilitation of human parts or other organs, in accordance with the provisions of the act approved June 2, 1949 (Act No. 37, H. 2, Acts 1949, p. 61)."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:28 P. M.

Act No. 292

H. 234—Bevill, Ray, McLendon
(Bullock), Bailey

AN ACT

To amend Section 37 of Title 36, Code of Alabama (1940), which prohibits the operation of certain motor vehicles on the highways unless equipped with a mirror so located as to reflect to the driver a view of the highway to the rear of the vehicle, by requiring every motor vehicle operated on the highways to be equipped with such a mirror.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 37 of Title 36, Code of Alabama (1940), is amended to read as follows:

"Section 37. Mirrors. On and after January 1, 1960, every motor vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:29 P. M.

Act No. 293

H. 690—Grouby

AN ACT

Relating to the purchase of supplies, materials, equipment, and contractual services, and the sale or exchange of property, by or for Autauga County; providing for competitive bidding on certain contracts, purchases, sales, and exchanges; prescribing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to the supervision, regulation, and control of the court of county commissioners, board of revenue, or other

like governing body of Autauga County, and any rules and regulations which such body may promulgate from time to time in exercising its authority under this Act, all purchases for the county shall be made by such county governing body or its duly authorized agent. And the probate judge, as chairman of the county commissioners court, shall function as purchasing agent without additional compensation. The provisions of this Act shall have application to all purchases made by or for Autauga County, whether such purchases are made by the county governing body as such, or by its purchasing agent. The purchasing agent shall make all purchases of supplies, materials, equipment, and contractual services (which term as used in this Act shall not include purchase of insurance or contracts for professional or other personal services) for the county; and, subject to the approval of the court of county commissioners, board of revenue, or other like governing body of the county, may promulgate reasonable rules and regulations governing the acquisition of such supplies, materials, equipment, and contractual services.

Section 2. At least three written, sealed, competitive bids shall be obtained on all purchases of supplies, materials, equipment, and contractual services when the amount involved is three hundred dollars or more. If the proposed purchase or contract involves an amount less than three hundred dollars, the purchase may be made either on the basis of sealed bids or in the open market. It shall be a violation of this section to divide or otherwise adjust the quantity of a purchase to an amount less than three hundred dollars for the purpose of evading the requirements of this section. Invitations for bids shall be posted on a bulletin board in the county courthouse at least ten days prior to the meeting at which the purchase is to be made. If the amount of the proposed purchase or the proposed contract is in excess of three hundred dollars, written notice by registered mail, with return receipt requested, shall be given to at least three merchants or dealers in the goods or materials to be purchased, or where notice is of a contract to be let, to at least three contractors engaged in the type of work contemplated. A copy of such notice or notices, together with the return receipts showing their delivery, must be recorded in and shall become a part of the minutes of the court of county commissioners, board of revenue, or other like county governing body.

All bids received on proposed purchases or contracts shall be opened publicly at the time and place stated in the invitation to bid. The contract or order shall be awarded to the lowest responsible bidder, or all bids may be rejected and the purchase or contract renegotiated when the public interest will be served thereby. The purchasing agent shall obtain information from the Division of Purchases and Stores of the State Department of Finance relative to the items to be purchased by competitive bids; and if the state price is less than the lowest bid received, and if the delivery

date is reasonable, all bids shall be rejected and the purchase shall be negotiated through the State Purchasing Agent. All bids, with the names of the bidders, shall be entered on a permanent record. Each record, with the successful bid indicated thereon, and with the reasons for the award if not awarded to the lowest bidder, shall, after the award, be open to public inspection. In the event of a sale, trade, or other disposition of any property of the county of any nature or kind the procedure as outlined herein as it relates to the obtaining of written, sealed, competitive bids shall be followed, and such sale, trade, or disposition of the property of the county shall be made in accordance with the most advantageous offer made.

Section 3. In an emergency a purchase may be made without competitive bids and without obtaining information from the Division of Purchases and Stores. However, a full written account of the circumstances necessitating any such emergency purchase, together with a statement describing the item purchased and naming the vendor from whom the item was purchased, shall be at once prepared by the purchasing agent and filed in his office. An emergency, as the term is used herein, means a situation where needed equipment of the county is idle due to lack of parts, supplies, or repairs therefor, or when materials or supplies are immediately needed to place in operating condition the road or bridge system of the county which has become impassable or dangerous due to damage or destruction of existing portions thereof. The records of such emergency transactions shall be open to public inspection. The provisions of this Act regarding competitive bidding and obtaining information from the State Purchasing Agent may be waived for purchases of perishable commodities, utility services, machinery repairs, and commodities or services for which there is no competitive situation.

Section 4. In making purchases for the county the purchasing agent shall give preference to commodities produced or sold in Autauga County, provided there is no sacrifice or loss in price or quality.

Section 5. Whoever purchases or disposes of, or attempts to purchase or dispose of property for or on behalf of Autauga County contrary to the provisions of this Act, or whoever violates any provision of this Act, is guilty of a misdemeanor and upon conviction shall be fined not less than one hundred nor more than one thousand dollars, and in addition may be imprisoned in the penitentiary for one year and one day.

Section 6. The court of county commissioners, board of revenue, or other like county governing body of Autauga County shall provide the purchasing agent with the quarters, supplies, books, equipment, postage, and assistance necessary for the proper and efficient conduct of his duties.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:30 P. M.

Act No. 294

H. 707—Martin

AN ACT

To levy county sales and use taxes for public school purposes in Greene County; to provide for the collection of such taxes by the state department of revenue, and for the distribution and use of the proceeds thereof; to provide for the enforcement of the Act; to provide penalties for violations of the Act; to supersede and repeal Act No. 24, H. 15, approved February 19, 1959.

Be It Enacted by the Legislature of Alabama:

Section 1. There are hereby levied and imposed in Greene County, in addition to all other taxes of every kind now imposed by law, county privilege or license or excise taxes to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

1. Upon every person, firm, or corporation engaged or continuing within Greene County in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one per cent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within Greene County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or associa-

tion be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Greene County, an amount equal to one per cent of the gross receipts of any such business.

3. Upon every person, firm or corporation engaged or continuing within Greene County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily so used, an amount equal to one-half of one per cent of the gross proceeds of the sale of such machines, attachments, parts and replacements therefor.

4. Upon every person, firm or corporation engaged or continuing within Greene County in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one per cent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

5. An excise tax is hereby imposed on the storage, use or other consumption in Greene County of tangible personal property purchased at retail on or after the first day of October 1959, for storage, use or other consumption in Greene County at the rate of one-half of one percent of the sales price of such property, except as otherwise provided as follows:

(a) An excise tax is hereby imposed on the storage, use or other consumption in Greene County of any machine used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of October 1959, for storage, use or other consumption in Greene County, at the rate of one-half of one per cent of the sales price of such machines or the parts, attachments, or replacements therefor.

(b) An excise tax is hereby imposed on the storage, use or other consumption in Greene County of any automotive vehicle

or truck trailer and semi-trailer purchased at retail on or after October 1, 1959, for storage, use or other consumption in Greene County, at the rate of one-half of one per cent of the sales price of such automotive vehicle, truck trailer or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the difference of the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

The taxes levied by this Act shall be subject to all definitions, exemptions, proceedings, rules, regulations, requirements, fines, penalties, punishments, and deductions as are provided in Act No. 100, H. 94, approved August 18, 1959, effective October 1, 1959, the state sales tax law, and Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended, and all acts supplementary thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof. The tax levied herein shall be added to the sales price of property sold, and shall be collected from the purchaser, so that the impact of the tax will be on the consumer rather than on the retailer.

Every person storing, using, or otherwise consuming in Greene County any tangible personal property purchased at retail shall be liable for the tax imposed by paragraph 5, above, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in the county showing the payment of the tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 2. The taxes levied by this Act shall be collected by the Department of Revenue of the State of Alabama, at the same time and along with the collection by that department of taxes levied and collected for the State of Alabama under the provisions of Act No. 100, H. 94, approved August 18, 1959 and Article 11, of Chapter 20, Title 51, Code of Alabama (1940), and all acts amendatory thereof or supplementary thereto, and all reports now required to be made to the Commissioner of Revenue shall, on the request of the Department of Revenue, be available for inspection by the chairman of the Greene County, Alabama Board of Education, or his designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms, and other information as may be necessary for the collection of the county taxes levied by this Act, and shall have all the authority and duties in connection with such taxes as are now given by law to the Department of Revenue or the Commissioner of Revenue in connection with

the collection of the state sales and use taxes provided for by Act No. 100, H. 94, approved August 18, 1959 and Article 11, of Chapter 20, Title 51, Code of Alabama (1940), and all acts amendatory thereof or supplementary thereto. It shall be the duty of the Commissioner of Revenue to pay into the State Treasury all taxes collected under this Act; and on or before the first day of the following month, the Commissioner shall certify to the State Comptroller the amount of special taxes collected under the provisions of this Act for the use and benefit of Greene County Board of Education during the calendar month immediately preceding the month of making such certificate. Whereupon, it shall be the duty of the Comptroller to issue his warrant on the State Treasury, payable to the custodian of the public school funds of Greene County, in his official capacity, in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of Greene County Board of Education and paid into the State Treasury. The County Board of Education of Greene County shall use all revenue arising from the taxes herein levied exclusively and solely for acquiring, providing, or constructing school houses and related buildings necessary or convenient for public school purposes, and equipping, furnishing, or repairing any such buildings, and acquiring sites therefor, or for other capital outlay purposes for public schools within Greene County, Alabama.

Section 3. The Department of Revenue shall charge Greene County Board of Education for collecting the special taxes levied by this Act such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Greene County Board of Education, but such charge shall not, in any event, exceed two per cent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes shall be deducted once each year from the special sales and special use taxes collected in the month of September of each year before certifying the amount of special sales and special use taxes due Greene County Board of Education for that month. The Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act, and otherwise to enforce the provisions of this Act, including any litigation involving the Act, and the Department of Revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the county.

Section 4. The taxes levied by this Act, together with the interest and penalties which are authorized herein, shall be a lien upon the property of any person, firm, or corporation liable for taxes under the provisions of this Act, and all of the provisions of the revenue laws of the State of Alabama applying to or relat-

ing to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of taxes levied by this Act. The taxes levied by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engage in any business taxable hereunder in Greene County.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act supersedes Act No. 24, H. 15, approved February 20, 1959, which is hereby repealed. Provided, however, that this Act does not affect rights and liabilities that matured, penalties that were incurred, and proceedings that were begun under said Act No. 24 before the effective date of this enactment.

Section 7. This Act shall take effect October 1, 1959.

Approved October 9, 1959.

Time: 7:31 P. M.

Act No. 295

H. 657—Reynolds (Chambers),
McClendon (Chambers)

AN ACT

To amend Act No. 496, H. 930, approved September 3, 1953 (Acts of Alabama, 1953, page 624) which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 496, H. 930, approved September 3, 1953 (Acts of Alabama, 1953, page 624) entitled "An Act relating to Chambers County: To change the method of compensating certain county officers, placing the officers on a salary, and providing for their assistants, and the office space and equipment necessary for the conduct of their offices," is hereby amended to read as follows:

"Section 2. Whenever the compensation of the Probate Judge, Sheriff, Circuit Clerk, Tax Assessor, and Tax Collector is altered to the salary basis as provided in Section 1 hereof, the Court of County Commissioners shall provide such officers allowances for the purpose of hiring clerks, assistants, or deputies, as follows:

"(a) The probate judge shall be allowed the sum of eleven thousand dollars (\$11,000) annually for the employment of clerical assistance, including the chief clerk. The salary of the chief clerk of the probate judge shall be four thousand eight hundred dollars (\$4,800) annually.

"(b) The Circuit Clerk shall be allowed the sum of two thousand four hundred dollars (\$2,400) annually for the employment of clerical assistants, in addition to the deputy provided for by Act No. 502, Regular Session 1955, as amended by Act No. 21, Regular Session 1959.

"(c) The Tax Assessor shall be allowed the sum of three thousand six hundred dollars (\$3,600) annually for the employment of clerical assistants.

"(d) The Tax Collector shall be allowed the sum of three thousand dollars (\$3,000) annually for the employment of clerical assistants.

"(e) The Sheriff shall be allowed two deputies, the chief deputy and one other, whose compensation shall be paid by the county, and shall also be allowed the sum of 300 dollars per annum for the compensation of other assistants. The salary of each of such deputies payable by the county shall be 300 dollars per month."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 9, 1959.

Time: 7:32 P. M.

Act No. 296

H. 712—Morrow, Locke, Sessions, Edwards,
Perry, Hawkins, Rast

AN ACT

To amend Section 797, Title 37, of the 1940 Code of the State of Alabama, as amended by Act No. 421 of the 1949 Regular Session of the Legislature of Alabama (General Acts, 1949, P. 597).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 797, Title 37, of the Code of Alabama of 1940, as amended by Act No. 421 of the 1949 Regular Session of the Legislature (General Acts, 1949, Regular Session, p. 597) be, and the same is hereby, further amended to read as follows:

"Section 797—Subdivision Jurisdiction. The territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within five miles of the corporate limits of the municipality and not located in any other municipality, except that, in the case of any such non-municipal land lying within five miles of more than one municipality having a planning commission, the jurisdiction of each such municipal planning commission

shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities; provided, however, that in all counties having a population of 600,000 or more, according to the 1950 Federal Census, or any succeeding decennial Federal Census, the county planning and zoning commission shall be invested with such authority, except and unless the municipality or municipalities in question is/are actively exercising zoning jurisdiction and control within said police and/or five mile jurisdiction, or in the case of a municipality subsequently incorporated, within 180 days from the date of its incorporation; provided, further, that in all counties having a population of 600,000 or more inhabitants according to the 1950 Federal census, or any succeeding decennial Federal census, the county commission, or other governing body of such county, shall have the right and power to establish minimum specifications and regulations governing the lay-out, grading, and paving of all streets, avenues and alleys, and the construction or installation of all water, sewer or drainage pipes or lines in any subdivision lying wholly or partly in areas outside the corporate limits of any municipality in such counties, and relating to subdivisions lying within the corporate limits of any municipality in such counties which has declined or failed to exercise zoning jurisdiction and control as herein provided. No map or plat of any subdivision shall be recorded, and no property shall be sold referenced to such map or plat, until and unless it has been first submitted to and approved by the County Engineer, or, in his absence, the acting county engineer of such county, who shall examine same for compliance with the specifications and regulations of the County governing body of such counties, and, if in compliance, shall note his approval on such map or plat by noting thereon "approved", giving the date of such approval and signing same in his official capacity. Where any subdivision lies within the extraterritorial planning jurisdiction of any municipality having exercised said extraterritorial jurisdiction, the requirement for approval of improvements in said subdivision by the County Engineer shall in no way diminish, waive, or otherwise lessen the requirements of such municipality. The more strict requirements, whether of the municipality or the county, must be complied with by the developer. Approval by the County Engineer shall in no way constitute approval in lieu of or on behalf of any municipality with respect to subdivisions lying within its extraterritorial planning jurisdiction. All such maps or plats must be first submitted to and approved by the municipal planning commission or other appropriate municipal agency exercising jurisdiction over any subdivision lying within the extraterritorial planning jurisdiction, and following such approval by such municipal planning commission, must then be approved by the County Engineer, or, in his absence by the acting county engineer."

Section 2. Severability.—If, for any reason, any clause, sen-

tence, subsection, section or provision of this Act, or the application thereof to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 3. Repealing Clause.—All laws and parts of laws inconsistent or in conflict with this Act are hereby expressly repealed.

Section 4. Effective Date.—This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 15, 1959.

Time: 11:00 A. M.

Act No. 297

S. J. R. 29—Hines, Jones, Andrews, Samford

SENATE JOINT RESOLUTION

WHEREAS the two Houses of the Legislature of Alabama have heard with deep regret and profound sorrow of the death of Honorable William Ora Walton, well-beloved judge of the Fifth Judicial Circuit of Alabama, and a former Senator (1935-1939) and Representative (1923-1927) from Chambers County; and

WHEREAS the two Houses, as a mark of respect for this peerless gentleman, able and devoted public servant, prodigious wit, and matchless raconteur, do now

RESOLVE that the following minute be spread upon the records of each House, on a separate page of the journal:

Judge William Ora Walton died in LaFayette, Chambers County, October 1, 1959. He was born at Waverly, Tallapoosa County, December 6, 1892, attended Waverly public schools and Birmingham College Training School, and was graduated from Birmingham-Southern College and Cumberland University. He married Lynda Ruth Tatum, of Cincinnati, Ohio, the mother of his two fine sons, William Ora Walton Jr. and James Richard Walton.

Judge Walton was a brave and distinguished soldier during World War I. Admitted to the Alabama Bar in 1922, he was an outstanding lawyer, a statesman, scholar, and patriot. His years were filled with useful deeds of kindness, of courage, and fidelity to his State and to his fellowmen. His passing is deeply mourned.

RESOLVED FURTHER, That the Secretary of the Senate be directed to transmit a copy of these resolutions to the family of the deceased.

Approved October 15, 1959.

Time: 11:01 A. M.

Act No. 298

H. 32—Bishop

AN ACT

Relating to county superintendents of education; prescribing the qualifications of such officers; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as may be otherwise expressly provided by local or special laws, the county superintendent of education in every county shall be a person of recognized ability as a school administrator, with academic and professional education equivalent to graduation from a standard university or college, and shall have had not less than five years of experience in public school work at the time he assumes office. In every county where the county superintendent of education is elected by popular vote he shall be nominated and elected in the same manner as other county officers under the laws of the state regulating primary and general elections.

Section 2. The provisions of Sections 103, 104, and 109, of Title 52, Code of Alabama 1940, as amended, in conflict with this Act are superseded by the Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 15, 1959.

Time: 11:02 A. M.

Act No. 299

H. 133—Pruitt, Pierce, Rozelle, Goldthwaite,
Branyon, Perry, Nichols, Boyd,
Bailey, Turner, Morrow, Roberts,
Goodwyn, Bassett

AN ACT

Relating to Department of Revenue, to authorize and direct the Commissioner of the Department of Revenue to allow a discount of two per cent (2%) on the first \$5,000.00 of tax paid to the state and of one per cent (1%) on all amounts of tax paid in excess of \$5,000.00, not exceeding \$200.00 in any one calendar month to licensed and bonded refiners, storers, distributors or wholesalers of motor fuel who collect gasoline or motor fuel taxes under the provisions of Section 648 of Title 51, Code of Alabama, 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. The Commissioner of the Department of Revenue is hereby authorized and directed to allow refiners, storers, distributors or wholesalers, as defined by Section 646, Title 51, Code of Alabama 1940, who has been licensed by the Department of Revenue under the provisions of Sec. 667, of Title 51, Code of Ala-

bama 1940, and who have made bond, as is required under Section 670 of Title 51, Code of Alabama 1940, a discount in an amount equal to two per cent (2%) of the first \$5,000.00 of tax paid and one per cent (1%) of all amounts of tax paid in excess of \$5,000.00 under the provisions of Section 647 of Title 51, Code of Alabama 1940, not to exceed in any case \$200.00 on taxes paid in any one month. The amount of said discount being for the purpose of partially defraying the costs to such licensed and bonded refiners, storers, distributors or wholesalers of making reports to the Department of Revenue and of maintaining complete and accurate records to the reporting and paying of this tax. Whoever defaults in reporting and paying such taxes when the same become due and payable to the state shall not be allowed a discount under this Act.

Section 2. The Commissioner of Revenue is authorized and directed to promulgate reasonable rules and regulations to effectuate the purposes of this Act.

Section 3. All laws or parts of laws in conflict of this Act are hereby repealed.

Section 4. This Act is hereby declared to be severable, and should any section, term, or provision hereof be declared unconstitutional, such declaration shall not in any manner affect the remaining sections, terms or provisions of this Act.

Section 5. This Act shall become effective on October 1, 1959, following its passage and approval by the Governor, or upon its otherwise becoming law.

Approved October 15, 1959.

Time: 11:03 A. M.

Act No. 300

H. J. R. 71—Bailey

HOUSE JOINT RESOLUTION

RESOLVED BY THE LEGISLATURE OF ALABAMA, THE SENATE AND HOUSE CONCURRING, That when the two Houses adjourn on Friday, October 16, they will adjourn to meet again on Wednesday, October 21, so as to prevent a conflict between the needs of members and the needs of those persons attending the annual meeting of the Order of the Eastern Star for hotel accommodations; that when the two Houses adjourn on Friday, October 30, they will adjourn to meet again on Wednesday, November 4, so as to prevent a conflict between the needs of members and the needs of those persons attending the annual meeting of the Alabama Farm Bureau for hotel accommodations.

Approved October 15, 1959.

Time: 11:04 A. M.